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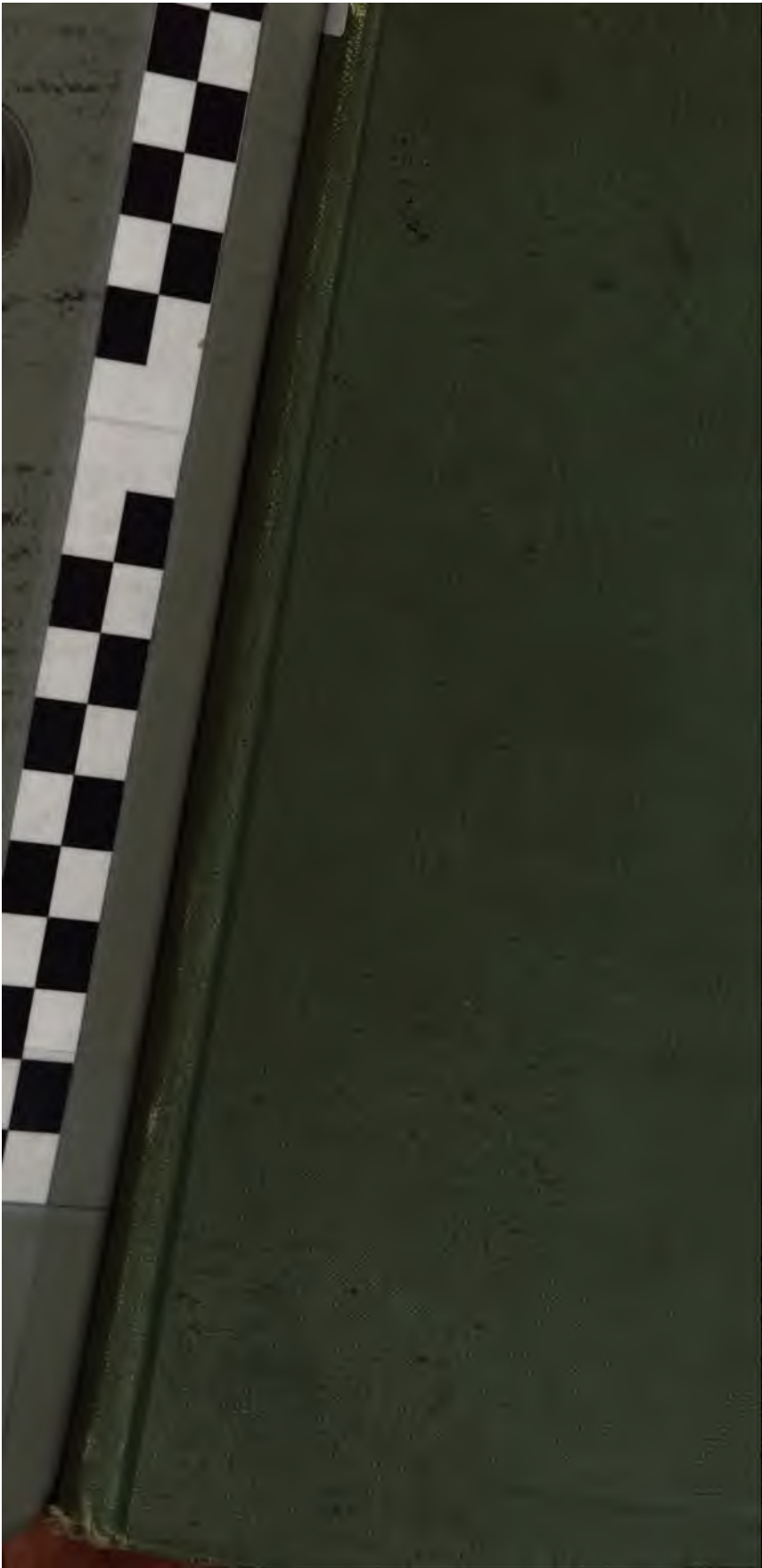
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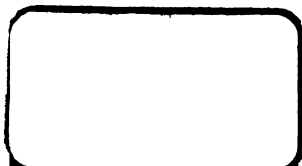


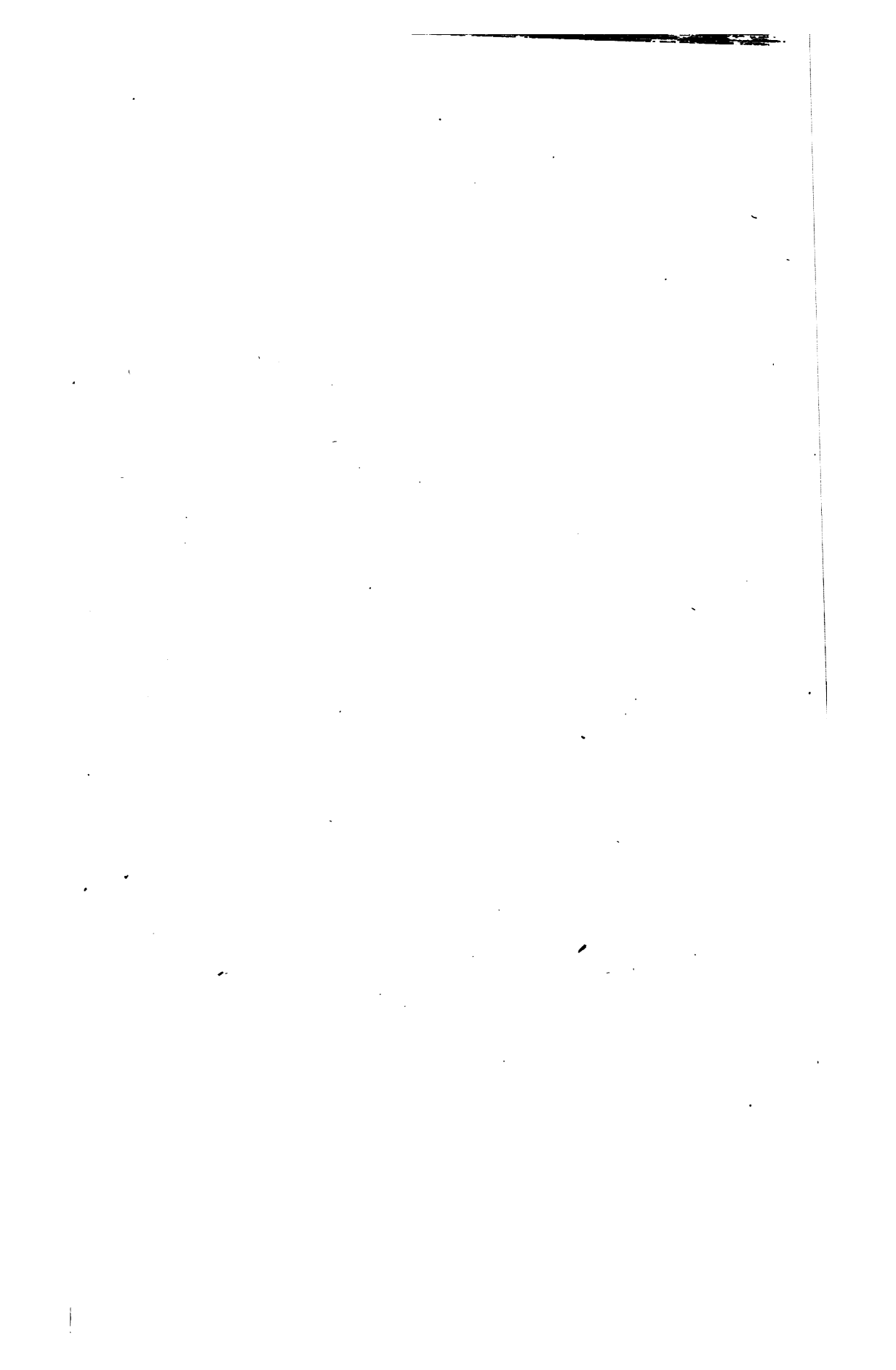
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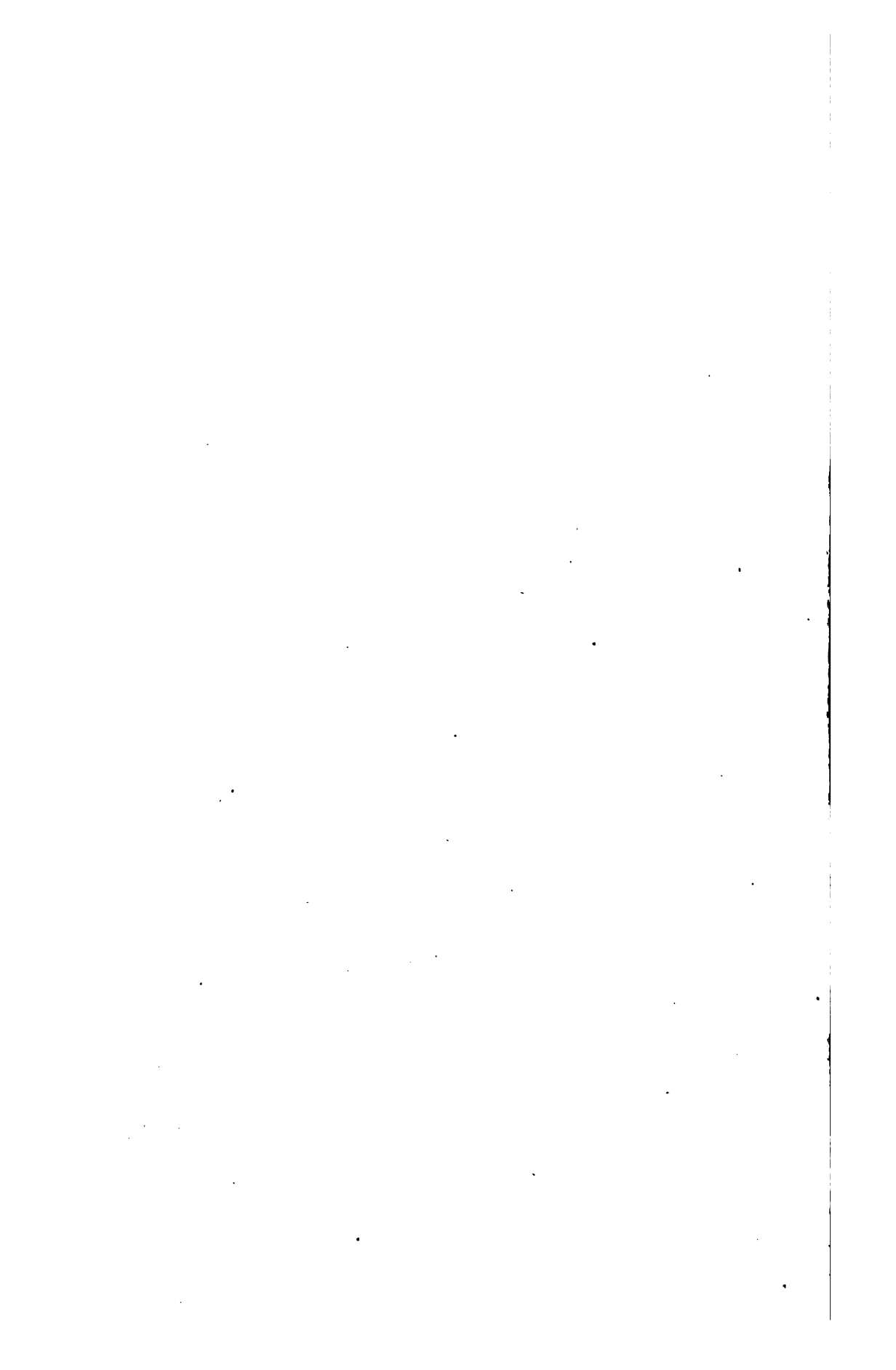
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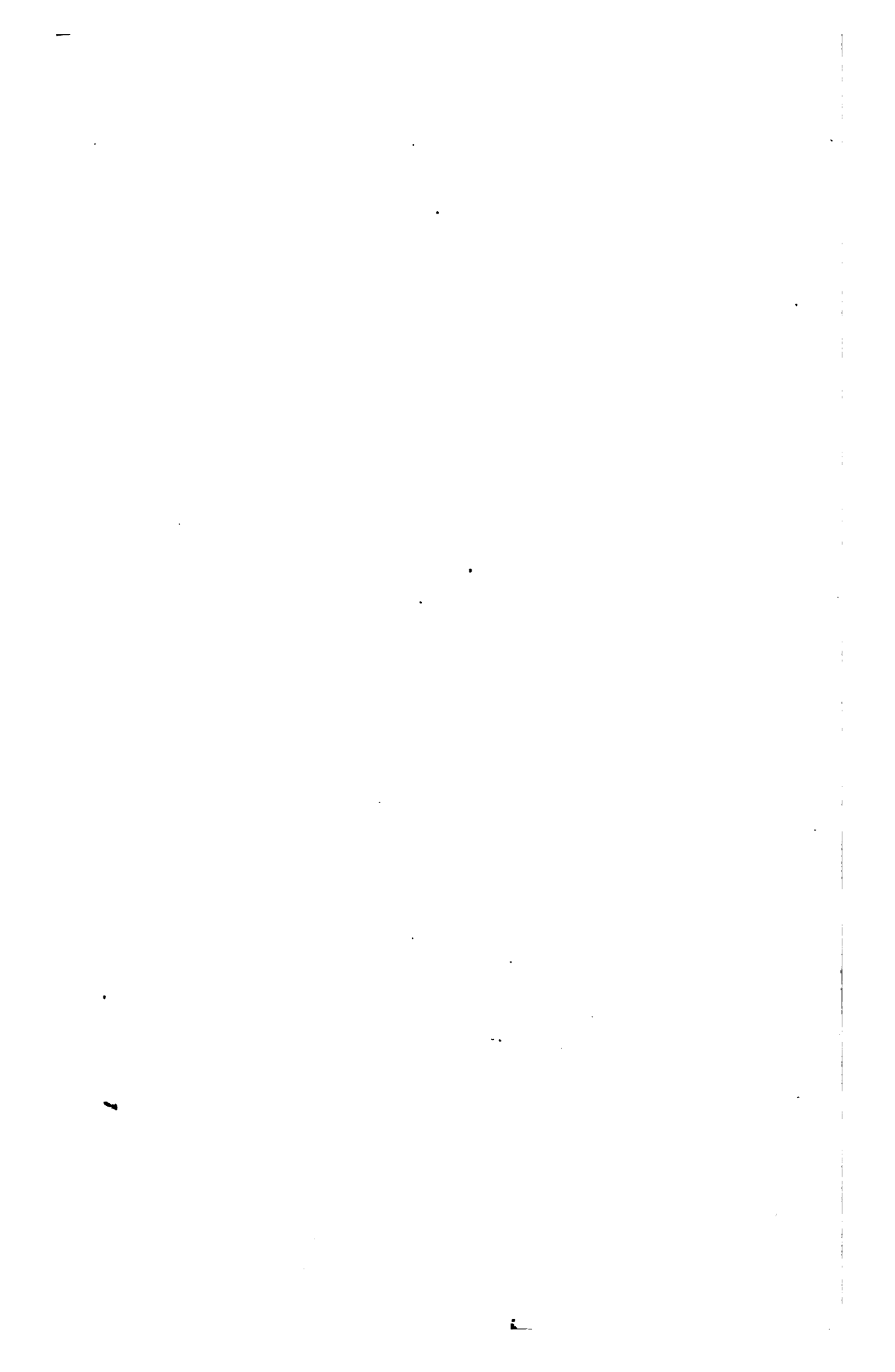
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# THE OPIUM TRAFFIC IN ITS INTERNATIONAL ASPECTS

BY  
WIE T. DUNN, M. A., PH. D.

SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY, IN THE FACULTY OF  
POLITICAL SCIENCE, COLUMBIA UNIVERSITY

COLUMBIA UNIVERSITY  
NEW YORK CITY  
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To  
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## PREFACE

For the coming few years the opium traffic will not come to an end, in spite of the fact that certain large opium consuming countries, such as China, have prohibited the use of the drug except for medicinal purposes. According to official reports, the government of India is contemplating an expansion in poppy cultivation, forgetting that the House of Commons has repeatedly declared the nefarious trade "morally indefensible". Turkey and Persia, both large opium producing countries, have taken no steps towards the restriction or suppression of opium.

So long as these countries permit or even encourage the production of opium on a large scale and realize huge profits from it, it is necessary for other countries which have prohibited opium to take stringent measures against smuggling. The higher the profits, the greater the temptation to scramble for gains. Eventually, reckless individuals may embark upon the hazardous enterprise and cause grave international complications. There is the opium problem — a problem whose solution requires international coöperation.

The purpose of this monograph is twofold: first, to prove the honesty or dishonesty, integrity or baseness of nations, and, second, to offer a solution for the present opium problem. With the first purpose in view, the author traced the events back before the Opium War and down to the present time. For the second

purpose, he dedicated himself to a study on the present opium situation in the different countries. The study is, of course, not exhaustive, but embodies such results as would be of service to those who wish to solve the opium problem.

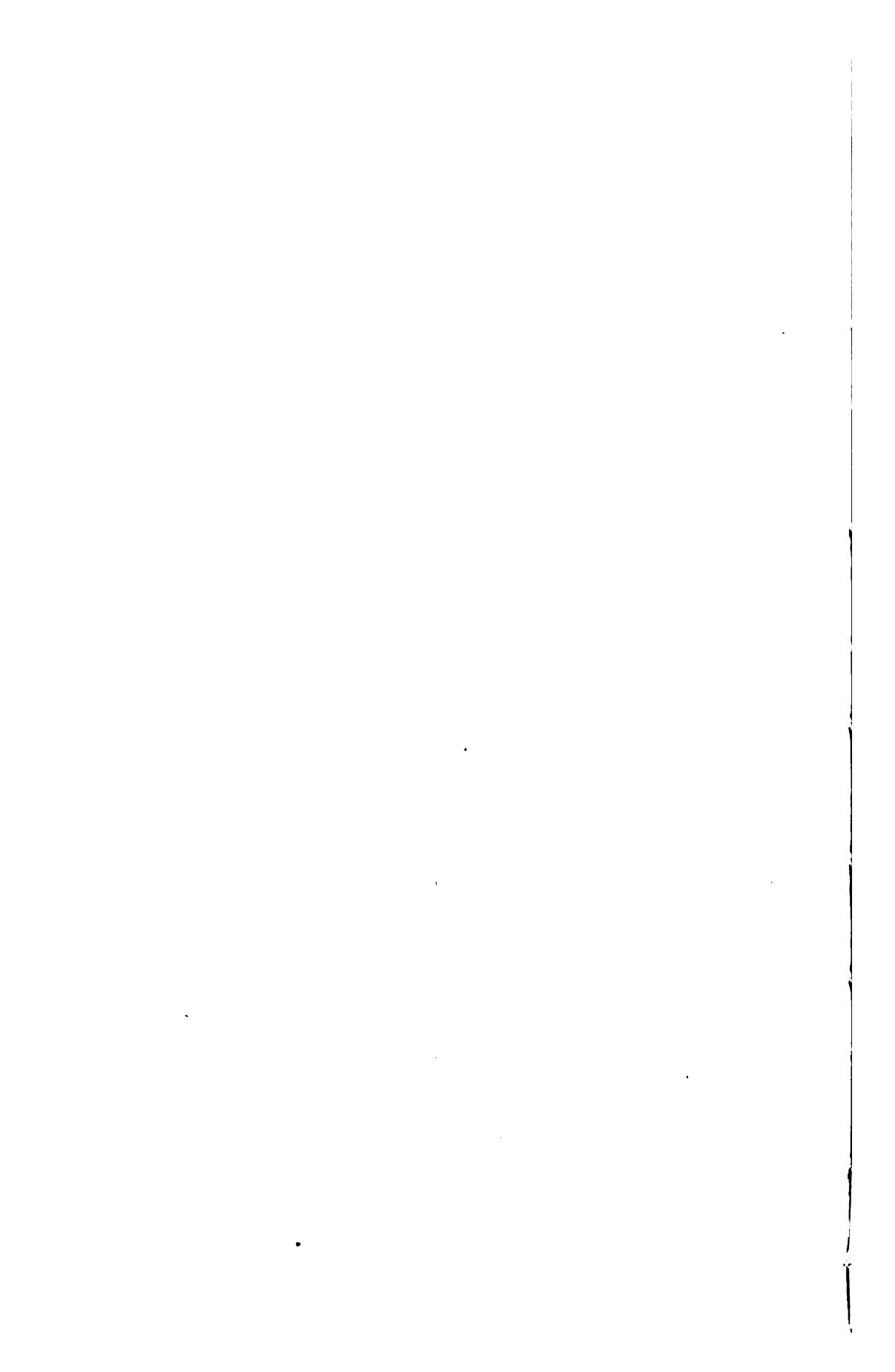
In conclusion, the author wishes to acknowledge his profound indebtedness to Professor John Bassett Moore, who has kindly suggested the subject, read the manuscript, and made the necessary corrections. He is also indebted to Professor Thomas Reed Powell for suggesting improvements and making corrections. Finally, his thanks are due to Dr. H. F. Munro for valuable suggestions.

WILFRED T. DUNN

NEW YORK CITY, JANUARY, 1920

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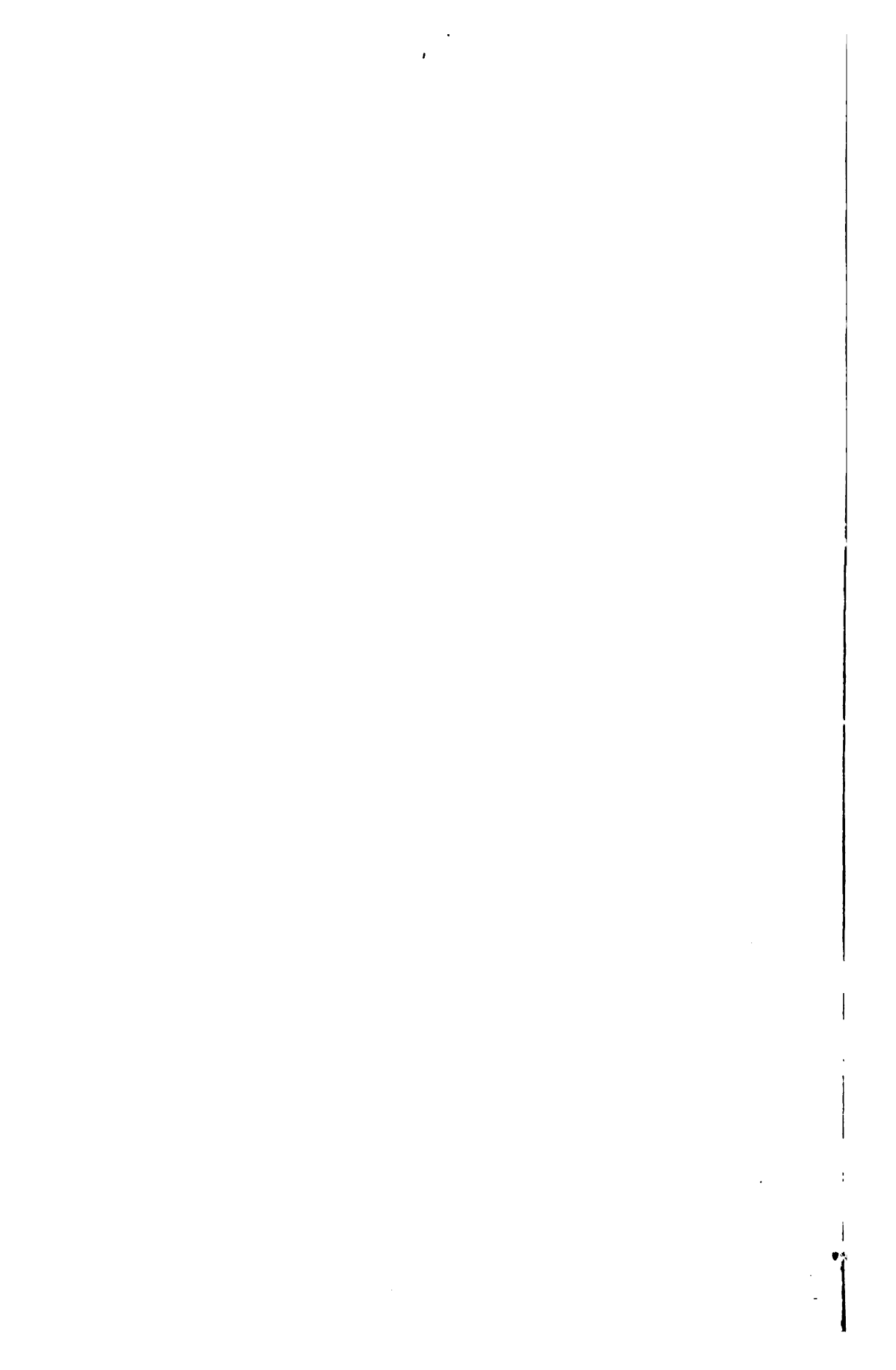


### ERRATA

In the final arrangement of pages from 72 to the end it was necessary to increase the numbers by one and by oversight the reference numbers were not correspondingly advanced.

- p. 31 Note 45 should read "24. 1. House . . . . .
- p. 50 The first sentence in the 11th line should read, "The British Government agreed . . . . .
- p. 73 Note 5 The page referred to is 92 instead of 91
- p. 78 Note 18 " " " " 95-102 instead of 94-101
- p. 85 Note 49 " " " " 95-102 instead of 94-101
- p. 88 Note 60 " " " " 87 instead of 86
- p. 88 Note 62 " " " " 99 ff instead of 98
- p. 89 Note 64 " " " " 107 instead of 106
- p. 103 Note 51a " " " " 94 instead of 93
- p. 113 Note 82 " " " " 109 instead of 108
- p. 119 Note 3 " " " " 106 instead of 105
- p. 120 Note 4a " " " " 127 instead of 126
- p. 125 Note 19 " " " " 128 instead of 127
- p. 128 Note 24 " " " " 125, 126 instead of 124, 125





## CHAPTER I

### INTRODUCTION

For the past two hundred years the opium question has confronted and is confronting the Chinese Government as well as Chinese statesmen. During the period of active anti-opium campaign the Chinese Government paid more attention to the opium problem than to any other public affair. In 1840 China was compelled to take arms to ward off a danger which had menaced her for at least a century. As a result of this war, China had to make territorial and other valuable concessions to the victor—England. Since then China clearly understood that she could not prohibit the importation of foreign opium unless she was fully prepared for all eventualities. Since then foreign opium was almost freely landed on Chinese soil although China did not legalize opium until the conclusion of the Shanghai agreement in 1858. As a result of legalization which permitted unrestricted importation of foreign opium as well as poppy cultivation by the natives, the evil of the drug spread to all parts of China.

The appalling poverty and human wreckage caused by the pernicious drug were largely responsible for the spasmodic outbursts of popular agitation. But the Chinese Government hesitated to intervene in the opium situation because intervention would be futile and might lead to another war for which China was not prepared. China might be falsely accused of having failed to undertake effective measures to combat the spread of the opium evil, but she can be proud of the fact that neither opium nor the poppy is of Chinese origin. Although Chinese opium addicts smirched the honor of the whole nation, it may be, however, considered as a good ground for excuse that opium was forced upon them from without.

Prominent English statesmen frankly admitted that the forced opium traffic was a great wrong done to China. In 1884 Lord Justice Frye said: "Few of those who investigate it (the opium question) with honest and unbiassed minds can, I believe, come to any other conclusion than that we are still year by year doing a grievous wrong to China — a wrong which, I believe, will some day and perhaps before very long cause our nation trouble and sorrow".<sup>2</sup>

Early Chinese chronicles made no mention of the poppy and opium. Nor did the economic history of China previous to the Chin Dynasty make any reference to opium or the poppy or its properties. The fact that the Chinese name for opium is a mere translation of the sound of the English word shows conclusively that opium was entirely foreign to China until it was introduced. In the memorandum submitted to the International Opium Commission at Shanghai (1909) a statement is found to the effect that the poppy was known in China for twelve centuries and its medicinal use for nine centuries.<sup>3</sup> But authentic Chinese history does not support this statement. The poppy was known in ancient times. Homer and other Greek writers made frequent mention of the peculiar intoxicating properties of the poppy. Roman writers such as Virgil, Livy, Pliny, and Ovid, described it as being used for various purposes.<sup>4</sup> Dr. D. I. Macht stated that the poppy was first found in Asia Minor and then transplanted in Greece, and that the Arabs introduced opium to the natives of Persia and India.<sup>5</sup> But Dr. Nathan Allen holds a contrary opinion, saying that the poppy has its origin in Persia.<sup>6</sup> From these two authoritative statements, it is clear that the poppy was imported into China from foreign countries.

<sup>2</sup> Prefatory note in J. S. Hill's *Indo-Chinese Opium Trade*.

<sup>3</sup> *The China Year Book*, 1916, p. 660.

<sup>4</sup> Nathan Allen, "*The Opium Trade*", p. 6.

<sup>5</sup> D. I. Macht in *American Medical Association Journal*, 1915, p. 479.

<sup>6</sup> Nathan Allen, "*The Opium Trade*", p. 6.

Writers are still baffled as to the time when opium was first introduced into China. According to Dr. David I. Macht, it was the Arabs who carried the pernicious drug to China in the ninth century, and then China began to import it from India.<sup>8</sup> In the middle of the seventeenth century the practice of mixing opium with tobacco for smoking was introduced into China probably by the Dutch in Java who indulged in the habit and purchased large quantities of opium from India. It was the Portuguese who imported foreign opium into China at the beginning of the eighteenth century. The amount imported was, however, unknown until 1729 when the import amounted to 200 chests. In the same year Emperor Yung Chin issued an anti-opium edict, interdicting the sale of opium and the opening of opium shops and enacting severe penalties for violation of the edict.<sup>9</sup> The Portuguese continued to flourish on the traffic in opium with an annual import of 200 chests until the end of 1780 when their great rival, the East India Company, came to compete with them.

It is true that the East India Company shipped Indian opium to China long before 1780, but the amount was insignificant, the bulk of the drug being sold to Dutch merchants at Batavia. This Anglo-Dutch trade was interrupted by the Anglo-Dutch war of 1781. For this reason, a new market had to be found for the drug. Accordingly, the East India Company sent ships to the Far East with the express purpose of selling opium to the Eastern peoples and of developing the existing trade with China. But the opium trade was already in the hands of the Portuguese. In order to gain a foothold in the opium market the East India Company established a depot for the article on board two vessels which were stationed near Macao. Then the volume of the opium trade expanded with alarming rapidity. In 1790 the import of opium increased to 4,000 chests—an increase of 3,800 chests over the average annual import before 1780. Indeed,

<sup>8</sup> *American Medical Association Journal*, 1915, pp. 477-478.

<sup>9</sup> *The China Year Book*, 1916, p. 660.

the import of opium continued to increase so rapidly that in 1793 the Chinese provincial government began to make full investigation of the opium trade apparently with a view to adopt measures to put an end to it. Three years later Emperor Kea-King issued another edict prohibiting the sale and importation of opium.

But in spite of the two Imperial Edicts of 1729 and 1796 and the severe penalties inflicted upon the offenders, the opium traffic still continued to increase, and the amount of opium imported in 1800 was put at 16,877 chests.<sup>10</sup> From 1793 to 1820 English vessels carried opium to Whampoa (near Canton) without annoyance from the local authorities except in 1819 when an attempt was made to search vessels supposed to be carrying opium. One explanation for the successful smuggling of opium is that Chinese officials were bribed so that they would not enforce the prohibition, but the better opinion seems to be that the geographical conditions of the port of Canton and its neighborhood were such that complete suppression of smuggling was extremely difficult. The Island of Lintin near Macao was the centre of smuggling. Foreign 'store-ships' in which opium was stored in large quantities lay at anchor near the Island. Then opium was carried to the Chinese coast by means of fishing boats, junks, hulks, and other craft. As the Chinese cruising junks and coastguard were scattered here and there without a unified command, the smugglers could evade the Chinese authorities with ease. Moreover, there is reason to believe that many of the administrative officials charged with the suppression of opium were themselves opium addicts — a situation that favored a relaxation in the enforcement of the anti-opium edicts. In the meantime, the high profit realized on the drug induced the Americans to engage in the trade.

Bitter agitation against opium began in 1799 when the Governor of Canton, Keihking,<sup>11</sup> requested the Court at

<sup>10</sup> *The Chian Year Book*, 1916, p. 660.

<sup>11</sup> This romanized name is erroneous, but since it has appeared so

Peking to prohibit the use and sale of opium. This agitation continued to rage. In 1809 the Governor of Canton required the Hong<sup>12</sup> merchants to give bonds of security that all ships wishing to discharge their cargo at Whampao had no opium on board. But this measure, vigorous as it was, failed to curtail the importation of opium. The ships that carried opium in large quantities passed the Canton River without molestation. This situation remained unaltered until 1820 when effective administrative measures were adopted to suppress the increasing smuggling. The year 1820 marked the beginning of a series of stringent administrative measures against the sale and importation of opium. In this year the local authorities were so vigorous in enforcing the anti-opium law that opium ships which had hitherto successfully smuggled the drug up the Canton River were compelled to move their headquarters from Whampoa to Lintin. The ships carrying opium were liable to confiscation; opium when seized was destroyed; Chinese citizens in whose possession opium was found for sale were put to death.<sup>13</sup> But the local authorities were not able to stop the traffic. Chinese opium addicts at Canton could obtain the drug through foreign merchants who maintained a regular system of smuggling. Natives did not dare to smuggle opium themselves on account of the severe penalties against so doing.<sup>14</sup> They gave their orders, as a rule, to foreign merchants in the English books the author deems it unwise to change it as the changed form would lead to confusion.

<sup>12</sup> The Hong merchants were licensed by the Government to trade with the foreigners. They alone enjoyed the privilege of dealing with foreign merchants.

<sup>13</sup> As to the earlier severe penalties, see Report of the Committee of the House of Commons, 1783, Appendix 77. Cited by Hill, *op. cit.*, p. 3.

<sup>14</sup> As a rule, foreign residents in China were exempt from the operation of Chinese laws not because the foreigners had any privilege or right to demand the exemption but because the Chinese Government was unwilling to enforce its laws against the foreigners just as the Romans were unwilling to apply the *jus civile* to foreign residents at Rome. For this reason, foreign dealers dared to smuggle opium because

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chants at Canton, and the latter imported the drug from Lintin where the 'store-ships' had a large quantity in stock.

While the drastic measures adopted by the local authorities in 1820 did not completely achieve the result which was expected of them, they clearly indicated that the Chinese Government was firmly determined to put an end to the clandestine traffic in opium; and they dealt a heavy blow to the opium interests. For this reason, they created between the Chinese Government and the opium dealers a friction which became more and more serious day by day.

they virtually enjoyed immunity from Chinese jurisdiction. In the numerous official proclamations against opium it was stated time and again that foreign dealers in the drug could no longer enjoy immunity if they persevered in the illegal trade.

## CHAPTER II

### THE CRISIS (1834-1858)

The severe penalties enacted against opium smuggling and the drastic administrative measures adopted up to 1820 to enforce the anti-opium edicts all failed to put an end to the clandestine traffic in the drug. The import of the drug, on the contrary, increased steadily after 1820 as if the anti-opium edicts and the strict administrative measures had not existed. The following authentic table shows the annual increase in the import of the drug.<sup>1</sup>

OPIUM TABLE 1821-1834  
Shipments to China in Chests

YEAR	KINDS OF OPIUM			TOTAL
	BENGAL	MALWA	TURKEY	
1821-1822	3,298	2,278	383	5,959
1822-1823	3,918	3,855	—	7,773
1823-1824	3,360	5,535	140	9,035
1824-1825	5,960	6,063	411	12,434
1825-1826	3,810	5,563	—	9,373
1826-1827	6,570	5,605	56	12,231
1827-1828	6,650	4,504	—	11,154
1828-1829	4,903	7,709	1,256	14,388
1829-1830	7,443	8,099	715	16,257
1830-1831	5,672	12,588	1,428	19,556
1831-1832	6,815	9,333	402	16,550
1832-1833	7,598	14,007	380	21,985
1833-1834	7,808	11,715	963	20,486

<sup>1</sup> The table is taken, with slight alterations, from Morse's *The International Relations of the Chinese Empire*, 1910, vol. 1, p. 210. The table compiled by Mr. Morse seems based upon the Financial Statement issued annually by the Commerce Intelligence Department of the Indian Government. Indian opium consists of two kinds, namely, Bengal and Malwa opium. The former is raised in the United Provinces of British



The increase in the importation is attributable partly to the connivance of the local authorities which was probably secured by bribes, and partly to the skill of the smugglers. Evidence is not wanting that certain inferior officers in the Emperor's administrative service at Canton occasionally received bribes from the dealers in opium so that they would not interfere with smuggling.<sup>2</sup> In addition to this, the wavering attitude of the high officials in the Court at Peking as well as in the provincial government gave the Emperor's administrative force at Canton the impression that effectual execution of the anti-opium edicts was not required. The increase in the importation of opium was accompanied by an increase in the number of smokers. In 1820 the number of smokers was estimated at 365,699 but it passed the two million mark in 1835.<sup>3</sup>

The year 1834 marked the beginning of a new chapter in the history of the opium question. It is the year when the British Government undertook to assume the supervision of British trade in China by its own officers. Before 1834 the East India Company alone had the right to carry on trade with China, all other British subjects being excluded, but in 1834 the Company's monopoly of trade legally came to an end. In consequence of this, the British interests in China

India, and the latter in native states. The year given in the table is the Indian fiscal year beginning from April 1st and closing on March 31st.

<sup>2</sup> As to bribery, see Wei Yuan's *Shing Wu Kee* (in Chinese) or *An Account of the Military Operations of the Ching Dynasty*, book 13. Also, *Chinese Repository* (an authentic periodical published in English), 1835, p. 103.

<sup>3</sup> The following table, taken from *Chinese Repository*, 1837, p. 303, shows the increase of opium smokers in every three years.

INCREASE IN NUMBER OF OPIUM SMOKERS, EACH AT 3 CANDAREENS

PER DAY	
March 31, 1820	265,699
March 31, 1823	461,187
March 31, 1826	816,584
March 31, 1829	1,034,520
March 31, 1832	1,475,726
March 31, 1835	2,039,998

would be left alone and the British Government deemed it necessary to despatch several officers to take care of the interests of its nationals there. Accordingly, the British Government, on December 10, 1833, issued a commission to appoint three Superintendents of the Trade of British subjects in China. Lord Napier was appointed Chief Superintendent. On December 31, 1833, instructions were issued to the Superintendents, enjoining it upon them to observe moderation in making complaint or remonstrance to the officers of the Chinese Government, to avoid the use of unnecessarily menacing language, and not to appeal for protection to the British military and naval forces unless necessary. The instructions also directed the Superintendents to avoid all such conduct, language and demeanor, as might needlessly excite jealousy or distrust among the officers of the Chinese Government; or as might unnecessarily irritate the feelings or prejudices of the officers of the Chinese Government.<sup>4</sup>

Lord Napier's mission was to open direct communication with the Canton Provincial Government in regard to the commercial intercourse between Great Britain and China, and to secure an official residence at Canton. Previous to the expiration of the East India Company's monopoly, its Chief Super-cargoes usually resided at Macao, and their communications were usually transmitted to the high authorities at Canton through the intermediary of Hong merchants.<sup>5</sup> Lord Napier's mission was not only unsuccessful, but accelerated the crisis which culminated in the Opium War. His proceedings and conduct in China were neither in accordance with Chinese custom and usage nor with the instructions he received from the British Government, and they caused much anger to the Governor of Canton.

In the first place, Lord Napier boldly went ahead to Canton

<sup>4</sup> *Royal Sign Manual Instructions to Superintendents of Trade in China*, Clause 18.

<sup>5</sup> As to the status of these merchants and their functions and liability, see *supra*, p. 13, note 12.

without waiting for a passport. In his edicts to the Hong merchants the Governor of Canton advised the latter that if Lord Napier desired to come to Canton for supervising the commercial interests of British subjects he should first of all request "the Imperial will on the subject"<sup>6</sup> But Lord Napier disregarded the Governor's opinion entirely. In the second place, Lord Napier insisted upon direct communication with the Governor, which was flatly refused. No doubt the system of indirect communication previously maintained was unnecessarily irritating, but there were reasons in its favor. In defense of the system, Mr. Pang, Superintendent of the Maritime Customs of Canton, stated in his memorial to the Throne that foreigners, having little knowledge of the style and rules required for the maintenance of dignity, constantly used in their petitions expressions which were difficult to understand.<sup>7</sup> When Lord Napier pressed the matter further, the Governor of Canton, no longer tolerating his defiant conduct, threatened to stop trade with England. Thereupon Lord Napier placarded in the streets a statement denouncing the Chinese Government in harsh terms. He is credited with saying that if the Chinese Government should stop the trade, the thousands of industrious Chinese who lived by the European trade must suffer ruin and discomfort through the perversity of their Government.<sup>8</sup> The Governor of Canton became so indignant over Lord Napier's public proclamation that he immediately sent a body of soldiers to besiege his residence and cut off all supplies of provisions. Lord Napier and his suite were thus forced to retire to Macao, where he died on October 11, 1834.

Lord Napier's proceedings seem to have been disavowed by the British Government. In a despatch to Lord Napier, the Duke of Wellington, then Secretary of State for Foreign Af-

<sup>6</sup> *Accounts and Papers*, 1840, vol. 36, p. 17.

<sup>7</sup> *Accounts and Papers*, 1840, vol. 36, p. 92.

<sup>8</sup> Lord Napier's proclamation was in the nature of an incitement of the Chinese people against their Government. For its text, see *Accounts and Papers*, 1840, vol. 36, p. 33.

fairs, said: "It is not by force and violence that His Majesty intends to establish a commercial intercourse between his subjects and China; but by the other conciliatory measures so strongly inculcated in all the instructions which you have received".<sup>9</sup> Had Lord Napier not died in 1834 the war between China and England would have broken out at an earlier date instead of in 1840, for his course of action defied the authority of the local government and greatly offended the high officials at Canton.

In 1836 Captain Charles Elliot was appointed by the British Government as Superintendent of Trade, and he figured largely in the events leading to the Opium War. His attitude towards the traffic in opium was non-interference by the British Government or its officers. So long as the English merchants carried on the smuggling successfully he would not listen to any request from the Chinese Government for his cooperation in suppressing the clandestine traffic, saying that he had no authority over that branch of traffic.

Since 1834 the amount of opium smuggled into China had continued to increase in spite of the prohibitory enactments promulgated by the Chinese Government. The following table shows the annual increase.<sup>10</sup>

OPIUM TABLE 1834-1839  
Shipments to China in Chests

YEAR	KINDS OF OPIUM			TOTAL
	BENGAL	MALWA	TURKEY	
1834-35	10,207	11,678	—	21,885
1835-36	14,851	15,351	—	30,202
1836-37	12,606	21,427	743	34,776
1837-38	19,600	14,773	—	34,373
1838-39	18,212	21,988	—	40,200

The above table shows that the imports of opium steadily

<sup>9</sup> *Accounts and Papers*, 1840, vol. 36, p. 26.

<sup>10</sup> This is part of the table given on page 15.

increased by nearly 4,000 chests a year. Nevertheless not all the smugglers were successful, for there were instances where opium was seized and burned by Chinese officers and the property of the offenders confiscated.<sup>11</sup> Opium smuggling was at this time carried on partly by small boats along the East coast, which frequently interchanged shots with Chinese officers on shore, and partly by European passage boats belonging to the British owners — small craft lightly manned with Lascar seamen and furnished with a scanty armament “which may rather be said to provoke or justify search accompanied by violence, than to furnish the means of effectual defence”.<sup>12</sup> The Hong merchants offered to become surety for the ships that sailed to Canton; the captain and consignee jointly signed the bond that no opium was carried on board; but these measures failed to curtail smuggling.

Up to 1836 the Chinese authorities at Canton were not able to check the extensive opium-smuggling. In consequence of this, silver was constantly drawn out of the country in payment for the smuggled opium, with the result that there was not sufficient silver in circulation. So there arose a difference of opinion as to what should be done respecting the opium trade. Should the traffic be legalized or still prohibited as before? There were several high officials who favored legalization. These were Heu Na-tsi, Vice-President of the Sacrificial Court; and the Governor, and the Lieutenant Governor of Canton. In a memorial to the Emperor, Heu Na-tsi, heading the legalization movement, expressed the opinion that it was impossible to cut off the trade because the native sea-going vessels could obtain opium from the foreign ships on the high seas, which could select any island near the coast as a depot for smuggling operations. He gave a concrete example in support of his position.<sup>13</sup> In this opinion the Governor

<sup>11</sup> *Chinese Repository*, 1834, p. 488; 1835, p. 103; 1838, p. 448.

<sup>12</sup> Captain Charles Elliot was the author for this statement which may be found in his despatch to Viscount Palmerston, *Correspondence Relating to China*, 1840, p. 241.

<sup>13</sup> *Tsu E Nae Pan* (a collection of classified memorials), book 3.

and the Lieutenant Governor entirely concurred, adding that if legalization could be carried into effect millions of dollars which had constantly flowed out of the Empire would be saved.<sup>14</sup> A perusal of the memorials of the advocates of legalization shows that they based their proposal upon the supposed impossibility of suppressing the smuggling evil. They recommended the cultivation of the poppy and the preparation of opium by the natives as the most practical means of shutting out the importation of the foreign product.<sup>15</sup>

But the opponents of legalization seemed to have a better case, and undoubtedly to this is attributable their triumph in the legalization fight. One of the opponents, Choo Tsun, Councillor of State, in his memorial to the Throne said: "The thing to be lamented is instability in maintaining the laws — the vigorous execution of them being often and suddenly exchanged for indolent laxity. But none surely would contend that the law, because in such instances rendered ineffectual, should therefore be abrogated".<sup>16</sup> Mr. Choo Tsun also pointed out that opium was so detrimental to the physical welfare of mankind that legalization was untenable from any point of view.<sup>17</sup> Mr. Heu Kew, another vigorous opponent, ascribed the failure of the prohibitory enactments to the conduct of the administrative officers charged with their enforcement. With reference to the necessary reforms in the matter of suppression, he suggested:

"We must, in the first place, make strict regulations for the punishment of offences and then we may turn to the wilful natives who sell the drug, the Hong merchants who are responsible for dealings with foreigners, the agents who purchase

<sup>14</sup> *Tsu E Nae Pan*, book 4.

<sup>15</sup> *Tsu E Nae Pan*, books 3 and 4.

<sup>16</sup> This quotation is taken from the translation by Dr. Morrison of Choo Tsun's memorial, and it may be found in *Accounts and Papers*, 1840, vol. 36, p. 169.

<sup>17</sup> *Tsu E Nae Pan*, book 3.

wholesale, the boat-people who convey the drug, and the naval officers who receive bribes; and having with the utmost strictness discovered and arrested the offenders, we must inflict the severest punishments upon them."<sup>18</sup>

The arguments of both sides were passed upon and well weighed by the Emperor's Advisory Council, its conclusion was that legalization would enervate the whole people. The Council therefore recommended the rejection of the plan and the Emperor accepted this conclusion. The proposal of legalization thus came definitely to an end.

Knowing that the plan of legalization was definitely rejected, the Canton Government now launched a vigorous campaign against foreign smugglers residing there. On October 28, 1836, the Governor ordered a preliminary inquiry into the activities of Innes, Dent, Jardine and others, all foreigners, who were suspected of opium smuggling. In consequence, these foreigners, most of them Englishmen, were required to leave Canton, it having been shown that they were in the habit of combining with natives and with Hong merchants to dispose of opium.<sup>19</sup>

The policy of the Court at Peking was at first wavering and uncertain. The Court indeed went so far as to issue an Imperial Edict directing the Governor and Lieutenant Governor of Canton to deliberate upon the duty to be levied upon the importation of opium.<sup>20</sup> But, not long afterwards, the Peking Government determined to put a stop to the opium trade. On March 17, 1837, an Imperial Edict reached Canton, commanding Captain Elliot to send away all the opium-receiving ships anchored at Lintin and other places outside the port of Canton. According to the Imperial command, trade must thereafter be confined to dutiable articles, and the importation of contraband articles such as opium was for-

<sup>18</sup> *Tsu E Nae Pan*, book 3.

<sup>19</sup> *Accounts and Papers*, 1840, vol. 36, pp. 182-187.

<sup>20</sup> This Imperial Edict has no date, but it may be found in *Correspondence Relating to China*, 1840, p. 235.

bidden. With reference to Captain Elliot's authority in the matter, the Imperial Edict says:

"The English Superintendent Elliot, being authorized to direct even trifling matters, is so much the more called upon to interfere in an important matter, which, as it is contrary to the laws of China,<sup>21</sup> must be also obnoxious to the instructions which the Superintendent has received from his own Government. The benevolence of the Emperor<sup>22</sup> is universal, but it can not suffer depraved foreigners to tempt natives to do evil."<sup>23</sup>

In reply, Captain Elliot stated that he was not sure whether the foreign ships anchored at Canton were British, and that he had no idea as to their pursuits. Even granted that those vessels were British and engaged in the illicit traffic, Captain Elliot said he could not send the ships away because "his commission extends only to the regular trade".<sup>24</sup> As the Governor of Canton pressed the matter a little further, Captain Elliot replied that he had no authority to send the ships away, and that the Governor might adopt such effective or violent measures as he saw fit.<sup>25</sup>

Captain Elliot's reply, which seemed to the Chinese Government to be evasive and unsatisfactory, prompted that Government to adopt stringent measures against the illicit trade. Captain Elliot, in making his reply, apparently forgot that he had previously issued a public notice to British subjects to the effect that "the powers of the Superintendents of the

<sup>21</sup> The whole quotation is taken from Dr. Morrison's translation, but the author deems it necessary to substitute the word China for the term Celestial Court which appeared in the original translation because that term is incomprehensible to a reader not versed in the use of Chinese expressions.

<sup>22</sup> The word Great preceding Emperor is stricken out from the original translation as it is meaningless.

<sup>23</sup> *Accounts and Papers*, 1840, vol. 36, p. 234.

<sup>24</sup> *Accounts and Papers*, 1840, vol. 36, p. 240.

<sup>25</sup> *Accounts and Papers*, 1840, vol. 36, p. 252.



Trade of British subjects in China, over British subjects and ships", were "extended so as to include Lintin and Macao",<sup>26</sup> from which the Chinese Government had expected him to send all the 'store-ships' away. Furthermore, he appears to have had much confidence in the ability of the English opium vessels successfully to resist the Chinese Government's preventive craft. But he wrote to Viscount Palmerson, Secretary of State for Foreign Affairs, saying:

"Her Majesty's Government can not interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade. Any loss, therefore, which such persons may suffer in consequence of the more effectual execution of the Chinese laws on the subject, must be borne by the parties who have brought that loss on themselves by their own acts."<sup>27</sup>

The crisis was rapidly approaching. The smuggling activities continued to increase.<sup>28</sup> The Governor of Canton was severely censured by the Emperor for lax execution of the edicts and orders requiring more effectual prevention of the traffic. Then the Canton authorities began to act vigorously and relentlessly. Opium was seized at the Canton Customs House. Native offenders were executed, Hong merchants who gave bond for the ships were imprisoned and threatened with death, Innes and other notorious opium dealers were required to leave or to have their 'factories'<sup>29</sup> pulled down.<sup>30</sup> Moreover, the local authorities, convinced that Captain Elliot had no intention of sending away the opium ships anchored at Lintin and other places outside the port of Canton, deemed it necessary to adopt the most effectual measures to prevent the

<sup>26</sup> *Accounts and Papers*, 1840, vol. 36, p. 147.

<sup>27</sup> *Accounts and Papers*, 1840, vol. 36, p. 258.

<sup>28</sup> As to the amount of opium smuggled since 1836, see the opium table on page 19.

<sup>29</sup> The term *factory* designates those places at Canton where the foreigners were allowed to establish their residences.

<sup>30</sup> *Accounts and Papers*, 1840, vol. 36, p. 326.

smuggling in of their cargoes. Accordingly, the Governor of Canton on December 18, 1838, put into force a general stoppage of trade — a measure that dealt a severe blow to British commerce.

Captain Elliot could no longer remain indifferent. So he took the matter in his own hands, and issued a public notice requiring that "All British owned schooners, cutters, and otherwise rigged small craft, either habitually or occasionally engaged in the illicit opium trade within the Bacco Tigris, should proceed forth of the same within the space of three days from the date of these presents, and not return within the said Bacco Tigris, being engaged in the said illicit opium trade". Captain Elliot warned British subjects that the British Government would not interpose if the Chinese Government should seize and confiscate schooners, cutters, and other craft on finding that they were engaged in the opium trade, and that if British subjects should resist by force searches and seizures by Chinese officers, they were liable to the same consequences and penalties as if they had offered forcible resistance to officers of their own Government.<sup>31</sup> The Canton Government was satisfied with Captain Elliot's course of action and granted him powers for acting. In addition to this, the Canton Government consented to the re-opening of general trade. Thus the crisis seemed allayed.

But so high a profit could be realized on smuggled opium that many desperate foreigners were determined to carry on a clandestine trade by any and all means. The delivery of opium was frequently attended with an interchange of shots between the Chinese Government forces and the smuggling English vessels. To all this Captain Elliot was fully alive, for he notified Viscount Palmerston, Secretary of State for Foreign Affairs, that "All these desperate hazards have been incurred, my Lord, for the scrambling and comparatively considered, insignificant gains of a few reckless individuals, unquestionably founding their conduct on the belief that they

<sup>31</sup> *Accounts and Papers*, 1840, vol. 36, p. 332.

were exempt from the operation of all laws, British or Chinese".<sup>32</sup> But, as Captain Elliot had refused to take a positive stand against the opium trade, which was carried on chiefly by the English, until the action of the local authorities had practically forced him to do so, the Chinese Government suspected him of secretly encouraging the smugglers.

In 1839 the Court at Peking, dissatisfied with the efforts of the Canton administration, despatched by special appointment of the Emperor a High Commissioner, Mr. Lin Tseh-hsu, to Canton to push the anti-opium campaign vigorously. Before assuming the post of High Commissioner Mr. Lin Tseh-hsu was Governor of Hu-Kwong (i. e., Hunan and Kwongsi), and his remarkable success in suppressing the organized bandits in these provinces led the Emperor to think that he was the only man capable of successfully grappling with the smuggling problem. Mr. Lin was, however, too anxious, as shown by his later proceedings, to have the smuggling evil eradicated at once.

On March 10, 1839, the High Commissioner arrived at Canton, where he seems to have pursued the course outlined by Heu Kew in his memorial to the Throne in 1836.<sup>33</sup> Heu Kew insisted that the Government must in the first instance turn against the natives and then against the foreign smugglers. In accordance with this principle the High Commissioner framed strict administrative measures against the natives, and promulgated them on March 15, 1839. The proclamation began with a strong denunciation of opium as a great evil, saying:<sup>34</sup>

"Although opium exists among the outside barbarians, none of them is, however, willing to smoke it; but our fellow-citizens who are the most civilized are willing to part with

<sup>32</sup> *Accounts and Papers*, 1840, vol. 36, p. 327.

<sup>33</sup> *Tsu E Nae Fan*, book 3.

<sup>34</sup> *Han Tsen Hsu* (Chinese State Papers edited by Shuck in both Chinese and English), pp. 7-9. The translation is made by the author himself.

their money for a poison which will undermine their vitality. Opium may be likened to the stupefying medicines of kid-nappers and the poisonous drugs of sorcerers, all used by them in order to seize upon the property and destroy the lives of innocent individuals. Now your property is the means by which you support your life, and your specie which is by no means to be easily obtained you exchange for dirt and poison. It is ridiculous as well as lamentable!"

In his proclamation the High Commissioner required all opium addicts within the Capital of Canton to cease to smoke opium within one month from the date of proclamation, and ordered all those outside Canton, within two months after the receipt of the proclamation, to deliver to the local authorities all smoking pipes and every description of smoking instruments. Offenders were to be severely dealt with according to law.

In order to insure the execution of the anti-opium law, the High Commissioner introduced the mutual-security system which was in vogue under the Hsun Dynasty. Under this system five people must agree mutually to become surety for one another; in case any of these should be found guilty the rest were jointly responsible for the offence which the guilty one committed. The High Commissioner, however, made it clear that if any one of the five should not feel safe in acting as surety for the other four, he might make a declaration to that effect and thus relieve himself of any liability in the event of the other four being found guilty. The system applied to the literati class, military and civil officers, advisers of high functionaries, soldiers and sailors, as well as to plain citizens. Landlords and hotel proprietors were to be responsible for the travellers or sojourners who stayed in their hotels, temples, or private houses. As the High Commissioner was despatched to Canton to prevent smuggling along the Canton River, so he elaborated a few stringent rules to bring the boat-people and the Hong merchants within the pale of law. According to his rules, passage boats, fishing boats, and all others which plied on the Canton River must be subjected

to thorough inspection by the harbor authorities. As to joint liability, five boats which had agreed mutually to become surety for one another must bear the consequences and penalties as provided for by law should any one of them be found guilty. The High Commissioner also required that all principals and agents of the Hongs must be responsible for all the packing done at their warehouses.<sup>35</sup>

The above is, in brief, the internal policy of the High Commissioner in his campaign against the natives. As to his policy towards the foreign smugglers, he was not satisfied with the mere departure of the opium ships, but required that all opium must be surrendered by them to the Chinese authorities. So the High Commissioner issued on March 18, 1839, a proclamation demanding surrender within three days of opium from foreign dealers. The proclamation says:<sup>36</sup>

“In former times, the prohibitory regulations issued by the Government were liberal enough to leave much room for smuggling, but now the Emperor is incensed at the relaxation hitherto tolerated and firmly determined to put a stop to the traffic. Natives dealing in opium or smoking it and proprietors of opium shops are all punishable by death. When foreigners come to our land, they implicitly consent to obey our laws just as if they were our citizens. It is, therefore, clear that you foreigners will be liable to our prohibitory laws to the same extent as the natives if you continue to deal in opium.

“Thousands of chests are found in the ‘store-ships’ at Lintin, all ready for smuggling into the interior. Now the penalties against smuggling are so severe and the authorities keep so close a watch upon the smugglers that it is impossible even for the most skillful smugglers to carry out their adventures. It is the time for foreign dealers to surrender their opium to the Chinese authorities with a statement showing the names of owners, number of chests surrendered, and the amount in each chest.”

In the High Commissioner's proclamation, it was admitted

<sup>35</sup> *Han Tsen Hsu*, pp. 1-79.

<sup>36</sup> The author does not like Mr. Shuck's literal translation. So he made the translation himself. *Han Tsen Hsu*, pp. 84-99.

that the Chinese Government did not strictly enforce the anti-opium laws and regulations, but the High Commissioner at the same time pointed out that relaxation was no longer to be endured. In regard to his power and determination, the High Commissioner says:<sup>37</sup>

“I received in person special instructions from the Throne and exercise a wide discretion in the matter of suppression. I swear not to return until the traffic is completely stamped out. I will stand or fall with my policy, and on no account will I swerve from my decision to end the traffic.

“The public opinion throughout the whole country is behind me. If foreign dealers still persevere in the illicit opium trade I will summon military and naval forces to enforce the law.”

In order to prevent further smuggling on foreign ships, the High Commissioner required of all foreign ships a bond stating distinctly that they carried no opium on board, and in the event of opium being found on board the cargo was to be confiscated and the individuals concerned immediately executed.

In regard to the surrender of opium, no foreign dealers obeyed the High Commissioner's commands. So on March 26, 1839, the High Commissioner issued another proclamation urging the surrender of opium and giving reasons why it should be delivered up. In the first place, the High Commissioner stated that opium should be delivered up according to principles of equity and law. In the High Commissioner's opinion, the foreign opium dealers were indirectly murdering the natives who suffered the death penalty in consequence of purchasing opium from them. The penalty for murder in China was death. The High Commissioner, therefore, stated that thereafter foreign dealers in opium must suffer capital punishment for murder if their guilt was established beyond doubt.

The second reason of the High Commissioner was that the

<sup>37</sup> Tedious passages in the original proclamation are omitted by the author for the sake of terseness. *Han Tsen Hsu*, pp. 95, 96.

foreign merchants would surely lose a prosperous market in China if they insisted upon carrying on the illicit trade, because the Chinese Government had decided to stop trade with all nations as the last step to wipe out opium smuggling. The High Commissioner called the attention of foreign opium dealers to the fair reward offered by him for voluntary surrender of opium.

In the third place, the High Commissioner frankly advised the foreign merchants that they would lose the confidence and good will of the natives if they did not give up the opium trade, because the Chinese people, now aware of the poisonous consequences of opium, would rise in indignation against all foreign merchants for forcing the illicit trade. In conclusion, the High Commissioner added that since opium was prohibited in foreign countries it was therefore useless for foreign merchants to take it back.<sup>38</sup>

The High Commissioner foresaw that foreign dealers would not voluntarily surrender opium, on the strength of his persuasion. Therefore violent measures were necessary to carry out his determination. Accordingly, on March 19, 1839, the Canton Government forbade all foreigners to apply for leave to go down to Macao,<sup>39</sup> the object being undoubtedly to detain them as hostages for the required delivery of opium. This greatly offended Captain Elliot. On March 22, 1839, Captain Elliot issued at Macao a public notice that "All the ships of Her Majesty's subjects at the outer anchorages, should proceed forthwith to Hong Kong, and, hoisting their national colors, be prepared to resist every act of aggression on the part of the Chinese Government".<sup>40</sup> The crisis was now approaching its climax.

In the meantime, the High Commissioner directed inquiries against foreign opium dealers at Canton, particularly Mr.

<sup>38</sup> *Han Tsen Hsu*, pp. 100-117.

<sup>39</sup> *26th Congress, 1st Session, House Executive Documents*, No. 119, p. 41.

<sup>40</sup> *Accounts and Papers*, 1840, vol. 36, p. 363.

Dent, whom Captain Elliot called "one of the most respected merchants at Canton".<sup>41</sup> According to the trustworthy information of the Chinese Government, Mr. Dent was a large dealer in opium and served as a link between the 'store-ships' at Lintin and the natives at Canton, and the High Commissioner, therefore, summoned Mr. Dent to answer the charges before his specially organized tribunal.<sup>42</sup> But Mr. Dent refused to attend the High Commissioner's tribunal.<sup>43</sup> Thereupon the Canton Government, on March 25, 1839, besieged the whole foreign community at Canton including Captain Elliot who had repaired to that port for the purpose of relieving British subjects from danger.

The purpose of the siege was to force the surrender of opium which the High Commissioner demanded in his proclamation of March 18, 1839. Captain Elliot yielded to force and, on March 27, 1839, published a notice requiring all opium owned by the British or under their control to be delivered to him to be forwarded to the Chinese Government. He also made it clear that, failing the surrender as required, Her Majesty's Government would be wholly free from all responsibility or liability in respect to the British-owned opium.<sup>44</sup> Mr. P. W. Snow, American Consul at Canton, followed the example of Captain Elliot and, on March 29, 1839, issued an edict requiring the delivery of all American-owned opium to him, to be handed by him to the Chinese authorities.<sup>45</sup> In accordance with Captain Elliot's edict, 20,283

<sup>41</sup> *Correspondence Relating to China*, 1840, p. 357.

<sup>42</sup> The author is unable to prove whether Mr. Dent had any connection with the firm of Dent & Co. which was put on the list of claims against the Chinese Government for the opium surrendered. But at any rate Dent and Innes were undoubtedly engaged in the clandestine traffic. While Innes was proved guilty and was expelled from Canton, Dent had the good fortune successfully to conceal his wickedness and crime. Cf. *Accounts and Papers*, 1840, vol. 36, p. 420.

<sup>43</sup> Dent's refusal was supported and encouraged by Captain Elliot. Cf. *Accounts and Papers*, 1840, vol. 36, p. 357.

<sup>44</sup> *Accounts and Papers*, 1840, vol. 36, p. 374.

<sup>45</sup> 64. 1. *House Executive Documents*, no. 119, p. 33.



chests of British opium were delivered to the Chinese Government, and to these may be added 8 chests from Mr. Innes, thus making a total of 20,391 chests. The surrendered opium, valued at \$10,000,000.00, was publicly burned by the Chinese Government under the personal direction of the High Commissioner, Lin Tseh-hsu.

The next step of the High Commissioner was to make sure that no opium was carried on board the foreign ships coming to Canton. With this in view the High Commissioner induced and required all foreign ships to sign the bond he prescribed.<sup>46</sup> Among the foreigners, the Americans alone signed the bonds as required.<sup>47</sup> With reference to the bonds, Captain Elliot said that he had no power to sign them because they had relation to the future and involved a "terrible responsibility"—so "terrible" that his own Sovereign would not dare to require them.<sup>48</sup> Captain Elliot's refusal to sign the bonds together with his unsatisfactory explanation gave the High Commissioner the impression that he was secretly behind the opium interests.

In the meantime, the vigorous anti-opium campaign was still going on with added strictness and severity. On September 12, 1839, the Spanish brig *Bilbaino* anchored in the Typha was burned by Chinese war boats on suspicion of having opium on board. In consequence of this, the Portuguese Government of Macao issued an edict to confiscate all vessels anchored in the Typha having opium on board. All but one of the American vessels that brought opium to China sailed away in September of 1839, and Mr. P. W. Snow, the American Consul, notified the Canton Government that it was his firm conviction that there would not be a single American in the country in any wise engaged in the opium trade.<sup>49</sup> As to the

<sup>46</sup> As to the nature of the bond required, see, *supra*, page 29.

<sup>47</sup> 24. 1. *House Executive Documents*, no. 119, p. 67. Also *Additional Papers Relating to China*, 1840, p. 44.

<sup>48</sup> *Accounts and Papers*, 1840, vol. 36, p. 394.

<sup>49</sup> *24th Congress, 1st Session, House Executive Documents*, No. 119, pp. 83, 84.

English opium vessels, there is much reason to believe that Captain Elliot purposely afforded protection to those engaged in the illicit trade and secretly backed them in their adventurous enterprises by calling upon them to resist the action of the Chinese Government.<sup>50</sup> But Captain Elliot afterward seemed to be conscious of his fault, and to correct this he issued on September 11, 1839, a public notice requiring all commanders of British ships having opium on board to repair to his ship, *Fort William*, within 48 hours and make oath to that effect, and all vessels engaged in the opium traffic immediately to depart from Hong Kong and the East coast.<sup>51</sup> How far Captain Elliot carried out his wishes no records can show.

As events progressed Captain Elliot's attitude towards the illicit traffic became more and more clear. He became convinced that violent action on the part of British officers was necessary in order to interfere with the vigorous prosecution of the anti-opium campaign. So Captain Elliot opened fire at Kowloon, on September 4, 1839, against the Chinese guard on shore who attempted to enforce the embargo on food.<sup>52</sup> On September 11, 1839, the port of Canton was blockaded by the English fleet. Captain Elliot again gave orders to open fire, on November 3rd, 1839, against twenty-nine Chinese war junks which approached the English fleet to obtain the surrender of murderers of a native killed in an affray between English seamen and natives. In the meantime, Captain Elliot

<sup>50</sup> Cf. *supra*, note 40. The British ships at the outer anchorages as referred to by Captain Elliot were undoubtedly the store-ships doing regular smuggling business at Lintin. It is thus clear that Captain Elliott encouraged the smugglers, to say the least. In his public notice Captain Elliot made no distinction between the ships engaged in legitimate trade and those in the illicit, he simply called all ships to resist visit and search by Chinese war junks.

<sup>51</sup> *Accounts and Papers*, 1840, vol. 36, p. 456.

<sup>52</sup> Captain Elliot sent men on shore to purchase food, and they succeeded in obtaining it, but the Chinese military guard on shore forced the natives to take back the food they sold to the English. Thereupon Captain Elliot opened fire.

desired to use the Portuguese possession, Macao, as a base for military operations against the Chinese anti-opium forces, and therefore offered money and service to the Governor of Macao, Adriaio Accacio da Silva A. Pinto, under the pretext of joint defense against Chinese aggression. But his offer the Governor declined to accept, saying: "He (the Governor) can not cease to preserve the most strict neutrality between the two nations, the English with which his own has been so long and so intimately allied, and the Chinese, from motives well known to all".<sup>53</sup>

It is thus clear that Captain Elliot's aggressive action not only offended the Chinese Government but actually interfered with its vigorous anti-opium campaign. In addition to calling all English vessels to resist visit and search by Chinese cruising junks, Captain Elliot incorporated into his grand fleet the traitorous native vessels which took opium from the English store-ships. When Chinese officers attempted to inspect and seize these traitorous native vessels, the English fleet opened fire to help them escape.<sup>54</sup> In spite of Captain Elliot's aggressive action the Chinese Government, however, endeavored to confine its action to the prevention of smuggling, and still permitted the regular trade to be carried on outside the Bacco Tigris without signing the bonds, but on condition that trading vessels should be subject to inspection by the Chinese authorities.<sup>55</sup> But since this condition was not fulfilled, the High Commissioner, Lin Tseh-hsu, and the Governor of Kwongtung issued, on January 5, 1840, a joint proclamation declaring the trade with England at an end. Trade with other nations was still permitted on condition that they should in no wise afford secret protection to the English merchants.<sup>56</sup>

The High Commissioner listed five charges against Captain

<sup>53</sup> *Accounts and Papers*, 1840, vol. 36, p. 445.

<sup>54</sup> *Han Tsen Hsu*, pp. 118-120.

<sup>55</sup> *Additional Papers Relating to China*, 1840, vol. 36, *passim*.

<sup>56</sup> *Han Tsen Hsu*, pp. 118-127.

Elliot; (1) that he prevented English vessels from signing the bonds as required,<sup>57</sup> (2) that he refused to surrender the murderers of a native,<sup>58</sup> (3) that he secretly sent for two cruisers, the *Volage* and *Warren*, to commence hostilities at Kowloon,<sup>59</sup> (4) that he opened fire to resist Chinese officers in their endeavor to obtain the surrender of English murderers,<sup>60</sup> (5) that he assisted both Chinese and English vessels to carry on their smuggling adventures.<sup>61</sup> Under such circumstances the High Commissioner and the Governor stated that they would not memorialize the Throne in behalf of these wilful foreigners (English) even if they were willing to sign the bonds formerly required.<sup>62</sup>

The High Commissioner knew that the crisis was approaching its climax, yet he was confident that peaceful measures would prevent it. On March 12, 1840, he wrote an official letter to the Queen of England requesting Her Majesty's Government to coöperate in suppressing the opium trade. In his letter the High Commissioner says:

"We have understood that in your kingdom the prohibition against the smoking of opium is of the sternest severity — a clear evidence that opium is exceedingly injurious to mankind. . . . Suppose that individuals of other nations were to sell opium in your kingdom and to seduce your people to purchase and smoke it, you would be greatly incensed and would by all means stamp it out. We therefore expect you not to do us, what you would not like others to do you.

"By introducing opium into our country your subjects have murdered our people by the hundreds. To check further

<sup>57</sup> As to Captain Elliot's intention on this point, see, *supra*, p. 32.

<sup>58</sup> See, *supra*, p. 33.

<sup>59</sup> See, *supra*, p. 33. Captain Elliot himself admitted that the opening of fire was his fault. *Accounts and Papers*, 1840, vol. 36, p. 446.

<sup>60</sup> Naval action between Chinese war vessels and English fleet took place at Chuenpe on November 3, 1839, Captain Smith being the first to open fire.

<sup>61</sup> See, *supra*, p. 34.

<sup>62</sup> *Han Tsen Hsu*, pp. 118-127.

murder we have enacted a law to the effect that all foreigners conveying opium to our country will be hereafter strangled. In doing this, we are sensible that we are wiping out a great evil for the world."<sup>63</sup>

The High Commissioner stated that if foreigners having opium in their possession would voluntarily surrender it to the Chinese authorities within one year and a half from April 19, 1839, they would be pardoned.<sup>64</sup> But what the High Commissioner was most anxious about was that the British Government should enforce the opium prohibition not only within the United Kingdom but in the Far East so as to put a stop to the whole opium trade. The High Commissioner's request was ignored by the British Government. On April 3rd, 1840, the British Government issued an Order in Council to commanders of the British ships of war to detain and bring into port all ships, vessels, and goods belonging to the Emperor of China or his subjects or other persons inhabiting any of the Countries, Territories, or Dominions of China.<sup>65</sup> Now war was inevitable. So the High Commissioner offered in July, 1840, liberal reward to persons who would arrest and kill English men and officers, or who would capture English merchant or war vessels or English cannon.<sup>66</sup> Thus the war commenced without formal declaration.<sup>67</sup>

The war lasted about one year and a half. China was defeated. On August 29, 1842, a treaty of peace and friendship was signed by Chinese and British representatives.<sup>68</sup> The essential stipulations of the treaty were: (1) Five ports,

<sup>63</sup> The translation is made by the author himself; irrelevant sentences are omitted from the original. *Han Tsen Hsu*, pp. 128-145.

<sup>64</sup> *Han Tsen Hsu*, p. 149.

<sup>65</sup> *China Papers* (in *British Accounts and Papers*), 1840, vol. 36, p. 1.

<sup>66</sup> *Han Tsen Hsu*, Appendix.

<sup>67</sup> As to the military operations and the diplomatic negotiations during the war, see Wei Yuan's *Shing Wu Kee*, books 13 and 14.

<sup>68</sup> The full text of the treaty may be found in *British Foreign and State Papers*, vol. 30, pp. 389-392.

Canton, Amoy, Foochow, Ningpo, and Shanghai, were thrown open to foreign trade;<sup>69</sup> (2) the Island of Hong Kong was ceded to England for the purpose of giving British merchants a port to fit or refit their ships;<sup>70</sup> (3) \$6,000,000 was to be paid by the Chinese Government for the value of opium surrendered to Chinese authorities in March, 1839;<sup>71</sup> (4) the Hong merchants were abolished and the Chinese Government was to pay \$3,000,000, on account of debts due to British subjects by some of the Hong merchants who became insolvent;<sup>72</sup> (5) China must pay a war indemnity of \$12,000,000 from which may be deducted the sums which the British forces had received as ransom for cities and towns in China, subsequent to the first day of August, 1841.<sup>73</sup>

It is interesting to note that throughout the whole treaty nothing was said of the right of British subjects to trade in opium, nor was the right of the Chinese Government to prohibit the importation of opium questioned. It was, then, understood that opium was still on the list of contraband goods which the Chinese Government might seize and confiscate whenever they were found within its jurisdiction. But in view of the unhappy experience of the Opium War the Chinese Government deemed it unwise to enforce the prohibition on account of lack of military strength. Although opium could be landed on Chinese soil without molestation, yet there was a strong legal objection to its open importation because it was still under the ban.

The next step of the British Government was to legalize the traffic, so that opium might be freely imported into China without any legal objection. The arguments put forward were (1) that China was not strong enough to extirpate the evil of opium smuggling, and (2) that the Chinese Govern-

<sup>69</sup> Article II.

<sup>70</sup> Article III.

<sup>71</sup> Article IV.

<sup>72</sup> Article V.

<sup>73</sup> Article VI.

ment could gain a large revenue by the admission of the drug. But at the same time the British Government did not wish itself to be understood as encouraging the opium trade. In 1843 Lord Aberdeen said :

“Her Majesty’s servants in China should hold themselves aloof from all connections with so discreditable a traffick. The British opium smuggler must receive no protection or support in the prosecution of his illegal speculations; and he must be made aware that he will have to take the consequences of his own conduct.”<sup>74</sup>

Lord Aberdeen also offered assistance in suppressing smuggling at Hong Kong if China still insisted upon the continuance of the prohibition. But, in explaining why the British Government could not coöperate with China in preventing the illicit opium trade, Lord Aberdeen said: “Her Majesty’s Government, however well disposed they might be to put a stop to the traffic being carried on by the British subjects, have not the *means of doing so*, and even if they had, would be unable to prevent the introduction of opium into China by the subjects or citizens of other Powers”.<sup>74a</sup> Nevertheless, the enforced surrender of opium in 1839 by Captain Elliot shows that the British Government had the means of compelling British merchants to surrender opium and hence the means of stopping the trade. As to the other nationalities engaged in the illicit traffic, it may be said that they were quite few and made no effort to defy the Chinese authority.<sup>74b</sup> It is thus clear that the assertion of the British Government that it had not the means of stopping the trade was simply a subtle

<sup>74</sup> Lord Aberdeen to Sir Henry Pottinger, January 4, 1843, Foreign Office, No. 7.

<sup>74a</sup> Lord Aberdeen to Sir Henry Pottinger, January 4, 1843, Foreign Office, No. 7.

<sup>74b</sup> The Americans signed the bonds, *supra*, p. 32; the Portuguese Government issued an edict to confiscate all opium ships lying in the Typa. This shows that Americans and Portuguese were law-abiding foreigners.

evasion which was characteristic of the whole British official course in the opium controversy.

After the Opium War China was fully sensible that she could not effectually suppress opium without provoking grave international complications. She then entertained the idea that, by treating the drug as a legitimate article of commerce, she could not only gain a large revenue but could to a great extent shut out foreign opium, since legalization would enable natives to cultivate the poppy and prepare enough opium for home consumption. Accordingly, in an agreement made between Great Britain and China in 1858, the Chinese Government admitted opium as a dutiable article, henceforth free from all other legal restrictions.<sup>75</sup>

Rule 5 of the agreement says: "Opium will henceforth pay 30 taels per picul import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only and only as Chinese property; the foreign trader will not be allowed to accompany it". Opium was henceforth subject to such transit dues as the Chinese Government might see fit to impose, but the agreement expressly provided that in future revision of the tariff, the same rule of revision should not be applied to opium as to other goods — a condition that deprived the Chinese Government of the power to deal with the opium question in the ordinary way.<sup>76</sup>

As to the cause of the war, it is plain that Lord Napier's defiant proceedings in China excited the prejudice and distrust of the Chinese Government and sowed enough seeds for later friction,<sup>76</sup> and that Captain Elliot's aggressive action at Kowloon and Cheunpe compelled China to defend herself by the sword.<sup>77</sup> It may be contended that the High Commissioner's violent measures such as the compulsory delivery of opium interfered too much with the regular trade, yet that

<sup>75</sup> This agreement was concluded on November 8, 1858, *British Foreign and State Papers*, vol. 48, pp. 58, 60.

<sup>76</sup> *Supra*, pp. 16-19.

<sup>77</sup> *Supra*, p. 33.



measure seemed to be the only practical means of reaching the evil at its source.<sup>78</sup> Since the opium smuggling business was always interwoven with the regular trade, it was impossible for the Chinese Government to carry out its anti-campaign without restricting the legitimate trade to a certain extent.<sup>79</sup> As to the attitude of the British Government towards the opium traffic, it is plain that Captain Elliot seconded by his Government stood behind the opium interests throughout the whole controversy, although neither he nor his Government professed to do so. In 1841 when the war was on, the English fleet publicly advertised the sale of opium along the Canton River.<sup>80</sup>

<sup>78</sup> *Supra*, p. 31.

<sup>79</sup> Opium smuggling was always carried on in European passage boats, see, *supra*, p. 20.

<sup>80</sup> Wei Yuan's *Shing Wu Kee*, book 14, or Parker's translation entitled "*Chinese Account of the Opium War*", 1888, p. 30.

## CHAPTER III

### THE NEW CRUSADE (1880-1906)

After the war of 1840 Chinese statesmen clearly understood that China was helpless in her endeavor to stamp out the scourge of opium within her own borders, and that any attempt at suppression of the evil would be worse than futile because it would kindle the old feud between China and England. Accordingly, the Chinese Government unwillingly legalized opium as a legitimate article of commerce with a view to counteracting the importation of foreign opium.<sup>1</sup> In consequence of legalization, not only was opium imported from without but the poppy was extensively cultivated within, with the result that the opium evil spread over the whole country, permeated all strata of society and debauched no fewer than 8,000,000 of the adult population of the Empire.<sup>2</sup>

In view of China's legalization of opium in 1858, it might be supposed that this measure was demanded or acquiesced in by all nations having commercial relations with China. But there was one nation that stood aloof from the nefarious traffic and prohibited its citizens to engage therein. This nation was the United States. On November 17, 1880, the United States and China concluded a treaty whereby citizens or subjects of the one were prohibited to import opium into the territory of the other. To carry this treaty into effect Congress passed on February 23, 1887, an act of which section 3 provides for forfeiture, by the consular courts of the United States, of opium illegally imported into China by citizens of the United States. In pursuance of this provision the Department of State rendered a decision to the effect that the

<sup>1</sup> See, *supra*, p. 39.

<sup>2</sup> *China Papers*, No. I, 1908, no. 3.

illegally imported opium should be confiscated and delivered to the Chinese authorities; but under no circumstance can the seized opium be released, even if the defendant charged with the illegal importation of it be acquitted.<sup>5</sup>

After 1858 the United States was the only nation that prohibited its citizens from importing opium into China—a proof that the United States was not in favor of legalization. On its part, the Chinese Government was rather inactive, as if it had no concern with the opium scourge. Large quantities of Indian opium were imported; a still larger quantity was produced by the natives. Here it may be asked why China made no laws to prohibit the cultivation of the poppy within her territory if she regarded opium as a great evil. The answer is that the prohibition would be of no avail, with Chinese ports compelled to remain open to the opium trade.

No doubt the Chinese Government could easily have made a law to prohibit the native production, but so long as foreign opium was permitted to enter Chinese territory and to be sold there the consumption of the drug would not be appreciably curtailed. The prohibition of native opium would only make a wider market for Indian opium. Foreign opium as well must be prohibited in order to stamp out the evil. But, since China was bound by treaty obligations,<sup>6</sup> she could not prohibit the importation of foreign opium unless she could secure the consent and coöperation of the Powers concerned. The Power most interested was England. China must, therefore, seek her favor and coöperation.

<sup>5</sup> As to section 3 of the act of February 23, 1887, the Chinese Minister at Washington protested against this provision on the ground that it constituted "an interference with the regulations of Customs and the right of local self-government of China". The Department of State, however, insisted that a distinction should be drawn between mere confiscation cases under the revenue laws and penal charges against individuals, and that the provision under consideration interfered in no wise with the right of the Chinese Government to seize and confiscate contraband goods. See *Moore's International Law Digest*, vol. II, pp. 651, 652.

<sup>6</sup> As to the treaty obligations, see, *supra*, p. 39.

The Government of India relied and still relies upon opium as a principal source of revenue. Any action on the part of China to curtail the importation of opium into her territory would certainly provoke bitter complaint from the Government of India because, as China was a large customer of Indian opium, such action would undoubtedly cut down the exportation of opium from India and thus reduce the revenue of the Indian Government. China must, therefore, approach the Indian Government in the first place and find out its attitude towards the opium traffic before formulating any definite policy. With such a purpose in view, Mr. Tong Shao-yi, then Vice-President of Foreign Affairs, visited India in 1905 and had conversations with high functionaries of the Indian Government in regard to the opium traffic. As a result of these conversations, Mr. Tong came to the conclusion that India was prepared to dispense with the opium revenue, and informed the Chinese Government that "It was the Chinese craving for the drug, and not England's desire to force it upon China, which was responsible for the continuance of the traffic".<sup>7</sup> With this encouraging information at hand China vacillated no longer and embarked upon the scheme of complete eradication.

Accordingly, on September 20, 1906, the Chinese Government issued an edict to root out the opium evil within ten years. "Since the restrictions against the use of the drug", says the preamble of the Imperial Edict, "were removed, the poison of the drug has practically permeated the whole of China". "The opium smoker", to quote further, "wastes time and neglects work, ruins his health, and impoverishes his family, and the poverty and weakness which for the past few decades have been daily increasing amongst us are undoubtedly attributable to this cause". The Imperial Edict con-

<sup>7</sup> That England forced the opium traffic upon China was universally recognized in China as well as elsewhere. Mr. Tong, however, denied the truth perhaps with a view to pleasing the British Government. Cf. *China Papers*, No. 1, 1908, no. 2.

cludes that "it is hereby commanded that within a period of ten years the evils arising from foreign and native opium be equally and completely eradicated".<sup>8</sup>

Shortly after this Imperial Edict was promulgated in the Official Gazette, Sir J. Jordan, British Minister at Peking, brought it to the knowledge of Sir Edward Grey, Secretary of State for Foreign Affairs, informing the latter of China's new effort to put an end to the evil. The attitude of the British Government towards the new efforts of the Chinese Government was friendly and encouraging. Sir Edward Grey is quoted as having said that "though an interference with the import of opium into China would involve a great sacrifice of Indian revenue, that would not prevent the British Government from considering the question or incurring some sacrifice if it was clearly proved that the result would be to diminish the opium habit". Sir Edward Grey further stated that if China should really contemplate measures for restricting or stopping the consumption of opium within her borders, "it would be a thing we should encourage". The same diplomatist, however, made it clear that the British Government would not agree to any arrangement for the restriction of opium if China was simply to prevent the importation of foreign opium in order that Chinese producers might grow more opium and realize a higher price for it.<sup>9</sup>

The view of the British Government as expressed by Sir Edward Grey apparently opened the door to negotiations for an arrangement to restrict the import of Indian opium into China. The Chinese Government, however, did not begin negotiations until January 26, 1907, when it presented through its minister at London six formal proposals to the British Government, requesting the latter to consent thereto.

In the first place, the Chinese Government proposed that the amount of opium imported from India be reduced by one-tenth every year, starting from January, 1907, so as to assure

<sup>8</sup> *China Papers*, No. I, 1908, Inclosure in no. 3.

<sup>9</sup> *China Papers*, No. I, 1908, no. 2.

total eradication within the period of ten years, the basis for the proposed reduction being the average amount of opium imported into China from 1901 to 1905.

In the second place, the Chinese Government expressed its desire to send a Chinese official to Calcutta, India, which was the center of export trade in Indian opium, "to take note of the quantities of opium sold at auction, packed into balls, and exported into China."

Thirdly, the Chinese Government requested the British Government to consent to doubling the import duty upon Indian opium by raising it to 220 taels a picul. In connection with this proposal, the Chinese Government stated that the excise duty on native opium was raised from 60 to 115 taels a picul, while on Indian opium, which was twice as strong as the native drug, the duty was only 110 taels; that "this cheapness of Indian opium, combined with its extra strength, will aggravate the vice of opium-smoking, and so defeat the policy of prohibition", and finally that "in doing this, the Chinese Government is not actuated by any desire of increasing its revenue, but simply by the hope of bringing about a diminution in the number of opium smokers".

Fourthly, the Chinese Government proposed that the Governor of Hong Kong should be requested to help prevent the raw and prepared opium from entering Chinese territory and to levy a high duty upon such prepared opium entering China. In an explanatory note, the Chinese Government stated that large quantities of prepared opium were produced in Hong Kong and thence exported into China, and that suppression of native opium would be undoubtedly a strong incentive to producing more prepared opium in Hong Kong and exporting it into China.

In the fifth place, the Chinese Government expressed its desire that the supply of opium to hotels, restaurants, tea shops, brothels, and other public resorts in the "foreign settlements" should be prohibited and the opium dens be closed. The Chinese Government also requested the British Government to "inquire into these matters and to instruct the proper author-

ities to assist the Chinese officers in enforcing the new regulations<sup>10</sup> for dealing with the opium traffic”.

Sixthly and finally, the Chinese Government requested the British Government to enforce Clause XI of the Mackay Treaty<sup>10a</sup> which prohibited the importation of morphia and the instruments for its injection (prohibition to take effect as soon as all other Treaty Powers consent thereto), inasmuch as the condition for the enforcement of this clause was nearly fulfilled.<sup>11</sup>

The British Government did not make any formal reply to the six Chinese proposals until more than seven months had elapsed, the delay being due to the necessity on the part of the British Government of consulting the Government of India. On August 12, 1907, Sir J. Jordan, British Minister to China, presented to the Chinese Government the opinions of his Government on its proposals. As regards the first Chinese proposal, the British Government made, on suggestion of the Indian Government, a counter-proposal to the effect that, instead of restricting the import of Indian opium by China, the Government of India would be willing to reduce of its own accord the export of opium from India to countries beyond the seas by 5,100 chests a year, starting from January 1, 1908, to the end of 1910, the basis for the reduction being the average amount of Indian opium exported to China for the years 1901-1905. The British Government also expressed its willingness to continue in the same proportion this annual diminution in the export after 1910 if the Chinese Government

<sup>10</sup> As to the substance of these regulations, see, *infra*, pp. 53-57.

<sup>10a</sup> In 1902 Great Britain concluded with China a treaty generally known as the Mackay Treaty because it was negotiated and signed by Sir James L. Mackay, Special Commissioner for the British Government. See W. W. Rockhill's *Treaties and Conventions with or concerning China and Korea, 1894-1904*, pp. 102-120.

<sup>11</sup> The condition here referred to is that the prohibition will not come into operation between Great Britain and China until the other Powers having treaty relations with China assent to the enforcement of the prohibition.

should duly carry out within this period of three years its edicts and regulations for diminishing the production and consumption of opium in China. In addition to this, the British Government proposed that the restriction of the import of Turkish, Persian and other opium should be separately arranged but carried out simultaneously.

To the second Chinese proposal, the British Government replied that no objection would be raised to the despatching by the Chinese Government of a Chinese official to Calcutta, provided this official had no power of interference.

As to the third Chinese proposal, the British Government was strongly opposed to the doubling of the import duty on Indian opium, but suggested that foreign opium should be subject to as heavy a tax as native. The British Government also refuted the assertion that Indian opium was twice as strong as native, "since the methods of cultivation in China are said to have been much improved in recent years".<sup>12</sup>

In regard to the fourth Chinese proposal, the British Government agreed to the prohibition of import and export in prepared opium between Hong Kong and China, and also suggested that each Government should take precautionary measures to prevent smuggling into its own territory.<sup>13</sup> With reference to the fifth Chinese proposal, the British Government expressed the view that if the Chinese authorities would take measures for the prohibition of opium dens and the inspection of shops for the sale of opium beyond the limits of Foreign Settlements or Concessions, the municipal authorities of such localities should also take effective measures, on their own initiative, without awaiting the request to do so from the Chinese authorities.

The sixth Chinese proposal related to the enforcement of the prohibition of morphia, and the British Government, in reply, gave the assurance that it would coöperate with the Chinese Government in carrying out this prohibition "as

<sup>12</sup> *China Papers*, No. I, 1908, inclosure in no. 20.

<sup>13</sup> *China Papers*, No. I, 1908, inclosure in no. 23.



soon as the consent of all other Treaty Powers has been obtained",<sup>14</sup>

In connection with the first British counter-proposal, it may be said that the British Government had little confidence in China's ability to eradicate the opium evil completely within a period of ten years, and, for this reason, it was unwilling to wait ten years in order to see China's success or failure in the experiment. The British Government made this proposal upon suggestion of the Indian Government, which said that the Chinese proposal "would commit India irrevocably and in advance of experience to the suppression of an important trade, and goes beyond the underlying condition of the scheme".<sup>15</sup> The British Government, or rather the Government of India, was loath to sacrifice the opium trade in favor of China's experiment which might terminate in complete failure. It therefore proposed to make the experimental period as short as possible.

Sir J. Jordan also doubted whether China could succeed in her new attempt to suppress the opium evil. On this point he said :

"It is true that the Chinese Government have in recent years effected some far-reaching changes of which the abolition of the old examination system is perhaps the most striking instance, but to sweep away in a decade habits which have been the growth of at least a century and which have gained a firm hold upon 8,000,000 of the adult population of the Empire is a task which has, I imagine, been rarely attempted with success in the course of history ; and the attempt, it must be remembered, is to be made at a time when the Central Government has largely lost the power to impose its will upon the provinces."<sup>16</sup>

The Chinese Government accepted the first British counter proposal that the Indian Government would itself undertake to restrict the export of opium from India to countries be-

<sup>14</sup> *China Papers*, No. I, 1908, inclosure in no. 20.

<sup>15</sup> *China Papers*, No. I, 1908, no. 13.

<sup>16</sup> *China Papers*, No. I, 1908, no. 3.

yond the seas. As to the length of time for such restriction, the Chinese Government expressed the view that "the Board<sup>17</sup> are willing to accept the present proposal of His Majesty's Government to put the arrangement permanently into effect for a term of three years, with the proviso that, if during that period the Chinese Government shall have duly carried out arrangements on their part for diminishing the production and consumption of opium in China, His Majesty's Government undertake to continue in the same proportion this annual diminution of the export after the three years' trial period".<sup>18</sup> The Chinese and British Governments agreed that the reduction in the export of Indian opium should begin from January 1, 1908.<sup>19</sup> In conclusion, the Chinese Government assured the British Government that the importation of Turkish, Persian and other foreign opium would be restricted or prohibited in the same way.<sup>20</sup>

As a result of negotiations between the Chinese and British Governments, the arrangements finally agreed to were substantially as follows:

(1) The British Government agreed for a term of three years, beginning with January 1, 1908, to reduce the annual export of Indian opium to countries beyond the seas by 5,100 chests (equivalent to one-tenth of the average annual amount of Indian opium imported into China from 1901-1905), so that the export should be 61,900 chests in 1908, 56,800 chests in 1909, and 51,700 chests in 1910. If during this period the Chinese Government should carry out its part of the mutual undertaking, the British Government promised to continue the same annual reduction after 1910. Both Governments further agreed that the restriction of Turkish, Persian, and other foreign opium should be dealt with and carried out simultaneously.

<sup>17</sup> This Board was the Emperor's executive council and somewhat like the Imperial Chancellor's Cabinet of the Former German Empire.

<sup>18</sup> *China Papers*, No. I, 1908, inclosure in no. 29.

<sup>19</sup> *China Papers*, No. I, 1908, no. 30.

<sup>20</sup> See, *supra*, note 18.

(2) The British Government consented to the despatch of a Chinese official to Calcutta to watch the opium auction and the packing with a view to ascertain the exact quantity exported, with the proviso that this official should have no power of interference. This was agreed to by China.

(3) Both the Chinese and British Governments agreed that each Government should take effective measures to prohibit the trade in boiled opium between China and Hong Kong, and that each Government should prevent the smuggling of such opium into its own territory.

(4) The British agreed to instruct the municipal authorities of the Foreign Settlements at Treaty Ports to prohibit and close all opium shops, opium dens and all other public resorts supplied with opium within such Settlements, provided the Chinese authorities had taken effective measures beyond the limits of the Settlements.

Of the four agreements the most important is the first which, while it purported to reduce the export from India, left China powerless to restrict the importation of foreign opium at the Treaty Ports. This alone could defeat China's policy of prohibition. The reason is obvious. Under the operation of the Imperial Edict of 1906 and the regulations subsequently promulgated the production of native opium was bound to decrease; this decrease would certainly raise the price of the drug, and the high price would in turn induce the importation of foreign opium in large quantities. During the years from 1901 to 1905 China imported as a matter of fact only 42,327 chests (of 120 catties each) a year from India according to the Chinese Trade Returns.<sup>21</sup> As China had no power under the agreement to restrict the importation of foreign opium at Treaty Ports, the import of Indian opium would probably increase in the event of the price of the drug there being inflated. While the annual import of Indian opium into China amounted to only 42,327 chests a year from 1901 to 1905, the official figures of the Chinese Customs authorities tend to show that the average annual import from

<sup>21</sup> *China Papers*, No. I, 1908, inclosure in no. 29.

1908 to 1910 increased to 44,189 chests—an advance of almost 2,000 chests a year.<sup>22</sup> The increase was of course attributable to the inflated price of opium in China, but it is nevertheless clear that China received no benefit from the agreement of 1907 so far as the importation of opium is concerned.

The withholding of the right to prohibit the importation at Treaty Ports was a serious handicap to the Chinese Government in its active campaign against opium, and was responsible for the delay in its success. Happily, the Chinese Government demonstrated its ability to stamp out the evil and thus induced the British Government to consent, though reluctantly, to an arrangement whereby the importation of Indian opium into China was to cease in 1917.<sup>23</sup>

<sup>22</sup> As to the number of chests imported in each year, see *Annual Returns of Trade* published by the Chinese Maritime Customs authorities, vols. 1908, 1909, 1910. In 1908 the import amounted to 48,315 chests; in 1909 it increased to 48,893 chests; but in 1910 it decreased to 35,350 chests, the average import being 44,189 chests a year. The decrease was due partly to the extensive smuggling carried on between Hong Kong and the adjacent coast above and below Canton and at other ports, and partly to the stringent measures adopted by the Chinese Government to curtail consumption in the interior of China. As to extensive smuggling, see *Statistics of British India*, vol. II, 1918, p. 171, note 1. "All opium imported into China reaches through Hong Kong and Shanghai". *ibid.* The import of Indian opium into Hong Kong amounted to 32,113 chests in 1910. See, *Statistics of British India*, *op. cit.* p. 170. The bulk of this vast amount of opium was no doubt smuggled into the adjacent provinces. So long as Indian opium could be easily smuggled into China through Hong Kong or Shanghai, it of course would not pass the Chinese Customs which collected an import duty of 110 taels per picul. The official figures of the Chinese Maritime Customs therefore do not represent the actual amount imported. Nominally, the import of Indian opium decreased in 1910, but the actual amount imported was no doubt considerably larger. Had smuggling been made difficult or impossible, there is reason to believe that the Chinese Maritime Customs authorities would have recorded a considerably larger number of chests imported in 1910.

<sup>23</sup> See, *infra*, pp. 66, 67.

## CHAPTER IV

### THE SUCCESS OF THE CRUSADE (1907-1913)

When the Chinese Government issued on September 20, 1906, its Edict to stamp out the opium evil within ten years, both Sir J. Jordan, the British Minister at Peking, and the Indian Government doubted whether China could succeed in the new crusade;<sup>1</sup> but in spite of all the difficulties and obstacles in the way of eradication China was quite successful in cutting down the production of opium as well as its consumption. In his report of 1907 Mr. Leech, Councillor of British Legation at Peking, said: "China has not hesitated to deal with a question which a European nation, with all the modern machinery of government and the power of enforcing its decisions, would probably have been unwilling to face. The amount of success (and it is appreciable) which has hitherto been obtained produces the impression that the task which the Government has undertaken can be fulfilled".<sup>2</sup> Indeed, China's success was a surprise to the whole world, and the success may be said to be attributable to the administrative measures which the Chinese Government adopted in pursuance of the Imperial Edict of September 20, 1906.

Ever since the legalization of opium in 1858 the poppy had been extensively cultivated in many parts of China, notably in Szechwan, Manchuria, Yunnan, Kweichow, Shantung, and Chili. Among these opium producing provinces Szechwan was the largest and produced the largest amount of opium. According to Mr. Leech's report of 1907, Szechwan produced 200,000 piculs; Yunnan 30,000 piculs; Manchuria 15,000 piculs; Kweichow 15,000 piculs; Shantung 10,000 piculs; Chili

<sup>1</sup> Cf. *supra*, p. 48.

<sup>2</sup> Leech's Report of 1907, p. 31.

10,000 piculs.<sup>3</sup> As to the actual amount consumed, no reliable statistics are available, but it may be said that the amount was undoubtedly large, probably over 200,000 piculs a year.<sup>4</sup> Restriction of the production of native opium and the curtailment of its consumption were the two knotty problems China must tackle in the first place. Curtailment of consumption was primarily an administrative problem, but to reduce production, especially in a short period, was rather difficult inasmuch as it involved delicate economic considerations. In certain parts of China such as Szechwan, Yunnan and Kweichow, the soil seemed most suited to the cultivation of opium and afforded a lucrative form of agriculture for the farmers. Prohibition of poppy-cultivation in these provinces would mean a great loss to the farmers, and a sudden and complete stoppage might provoke an uprising against the Government. This was one of the chief reasons why China adopted the policy of gradual prohibition instead of wiping out the evil by a sudden blow.

In November of 1906 the Chinese Government elaborated certain administrative measures to carry the prohibition into effect. These measures as finally adopted were designed to reduce cultivation on the one hand and consumption on the other.<sup>4a</sup> As regards the restriction of cultivation, the Viceroys and Governors of the provinces were at first called upon to instruct the magistrates of departments and districts to report on the actual area of land under cultivation. Under the regulation no land could be used for cultivation unless hitherto so used. As for the land hitherto under cultivation special title deeds must be obtained from the local authori-

<sup>3</sup> See the map and illustration in Leech's Report of 1907.

<sup>4</sup> Although Szechwan alone raised this amount, a considerable portion was exported to Formosa, French Indo-China, and other adjacent countries.

<sup>4a</sup> The text of the regulations may be found in *The China Year Book*, 1912, pp. 425-428.

ties.<sup>4b</sup> And the area of such land was to be reduced progressively by one-ninth a year.<sup>5</sup>

All opium smokers must report the fact at the local magistrate's office and fill up a form specially provided for the purpose. After that was done certificates would be issued by the local magistrates certifying that such smokers could purchase opium. Certificates were of two kinds, one for those over 60 years of age and the other for those under that age.<sup>6</sup> When the latter reached 60 years they could not obtain any certificate. Persons buying opium secretly without the certificate were to be punished according to law. Local magistrates were required to report the registration to high authorities.<sup>7</sup> Opium smokers were required not only to register but to reduce the quantity of smoking gradually, by two-tenths or three-tenths a year. Should they be able to get rid of the habit and obtain assurances from their neighbors that they would never indulge in the habit again, they must report the whole matter to the local magistrates, and their names would be erased from the book of registration. Persons who failed to give up the practice within the period prescribed were to be severely punished according to their respective professions or social standing.<sup>7</sup>

In connection with this step the Government decided that all public opium divans or dens where opium was openly consumed must be closed within six months, in order to show that the Government was after the smokers more vigorously

<sup>4b</sup> The special title deeds here referred to are licenses in the sense that without them the landlord could not go ahead to cultivate the poppy; but the term differs from license in other respects. Should the landlord violate any condition laid down in the deeds, his land under cultivation would be forfeited to the Government.

<sup>5</sup> Article I.

<sup>6</sup> Throughout the opium campaign the Chinese Government showed leniency towards old-aged people on account of the fact that these people could not give up the habit without suffering extreme pain or even death.

<sup>7</sup> Article III.

than ever.<sup>8</sup> Under this regulation, restaurants and bars were forbidden to keep opium for the use of their customers, nor could the customers bring in opium pipes in order to smoke opium in these places. The sale of opium pipes, opium lamps, and other utensils for opium smoking was prohibited.

In order to restrict consumption effectively the Government deemed it necessary to control the sale of opium. Accordingly, the Government required that all opium shops must be registered at the offices of local authorities, and that to carry on their business such shops must secure permits or licenses from the Government. Whenever the opium shops intended to purchase opium they must show the permits or they would not be allowed to sell. They were required to report on the quantity of opium and opium dross they sold at the end of each year. After the quantity requisite for annual consumption was definitely ascertained, the amount of stock for each shop was to be annually reduced in such proportion as entirely to cease within ten years. Any surplus at the end of that time must be destroyed and double its value forfeited as a fine.<sup>9</sup>

With a view to hasten the decline of the opium habit, the Government instructed each province to select the best medical students to undertake research for the best cure suited to the local circumstances, and to manufacture such cure in pills to be distributed to the prefectures, sub-prefectures, departments or districts at reasonable prices, or to be handed over to charity societies which were allowed to sell them only at cost price. The cure so manufactured was not to contain opium or morphia. Poor people could obtain the cure from the government gratuitously. Local 'gentry' were urged to manufacture the cure in accordance with the governmental prescription, so as to have it distributed as widely as possible.<sup>10</sup> In order to secure the coöperation of the masses of people the

<sup>8</sup> Article IV.

<sup>9</sup> Article V.

<sup>10</sup> Article VI.



Viceroy and Governors of the provinces were called upon to organize through their subordinates anti-opium societies whose function it was to aid the Government in rooting out the opium-smoking habit. These anti-opium societies were composed mostly of local 'gentry', and were not permitted to discuss questions of a political nature or questions concerning the local administration.<sup>11</sup>

Chinese usage and custom attached so much dignity to public officials, especially the high functionaries, that they were treated separately as regards the required reduction in smoking. Princes, Dukes, men of title, high metropolitan officials, Tartar Generals, Viceroys, Governors, Deputy Lieutenant Military Governors, the Provincial Commanders-in-chief as well as the Brigadiers General, all under 60 years of age, were required to report the fact and to give the date when they would stop the pernicious habit. Other officials, military or civil, should report to their respective principals and cease to smoke within six months, at the end of which term they would be examined. If any of them could not be cured in time they must retire from office. Professors and students were required to get rid of the smoking habit in six months.<sup>12</sup>

The Tartar Generals, Viceroys and Governors were commanded to make a list of people who still indulged in the smoking habit and those who gave it up, and also to report to the Government the number of anti-opium societies formed and the quantity of pills used as cure. These statistics were to be handed to the Government Council and were to serve as a basis for the promotion or degradation of local officers. In executing the foregoing measures officers of whatever rank were forbidden to commit irregularities or to receive bribes; in case they should be found receiving bribes they would be prosecuted on a charge of fraud.<sup>13</sup>

<sup>11</sup> Article VII. At that time the Government was facing the outburst of a gigantic revolution which was fostered for decades. So the Government forbade the discussion of political questions.

<sup>12</sup> Article IX.

<sup>13</sup> Article VIII.

Commissioners of Customs were required to stop at their respective stations the importation of opium from countries with which China had no treaty relations. Except for medicinal purposes, the sale or manufacture by foreign or Chinese shops of morphia or syringes for injecting the same was prohibited.<sup>14</sup> This prohibition could not, however, be enforced on account of the Mackay Treaty.<sup>15</sup>

The foregoing administrative measures may be summarized under two main heads, (1) those against production and (2) those against consumption. In order to restrict production the regulations required that no land could be used for cultivation unless hitherto so used, and that the land already under cultivation should be reduced by one-ninth each year. For the curtailment of consumption, the regulations required all smokers to register and to reduce smoking by two or three-tenths a year. To the same end, opium dens were to be closed, opium shops inspected, anti-opium medicines distributed among the addicts either gratuitously or at cost price, opium refuges established, anti-opium societies incorporated to assist the Government. Now it remains to be seen how far the Chinese Government succeeded in prosecuting the regulations.

Before commenting upon China's success or failure two things should be borne in mind: First, the Chinese administrative system was entirely disorganized, utterly unfit for such a delicate task as the eradication of the opium evil; second, the evil in China was of such dimensions and magnitude that it may be said that it surpassed all organized vices in other countries. China, however, proved that her ability was commensurate with the task which had confronted her for nearly a century.

<sup>14</sup> Article X.

<sup>15</sup> Cf. *supra*, p. 46, and *infra*, p. 65. Great Britain raised no serious objection to the prohibition of morphia except on condition that the other Treaty Powers should give their consent to it. Japan was the last Power that assented to the prohibition.

According to the report of Mr. Leech, Counsellor of the British Legation at Peking, China was moderately successful in 1907 in carrying the administrative regulations into effect.<sup>16</sup> In 1907 the area of land under cultivation was considerably reduced in Shansi, Chili, Shantung, and other provinces, although this was not the case in Szechwan, Yunnan, and Kweichow, all of them big opium-producing centers. As to the registration and licensing of opium smokers, it may be said that while this measure was carried out with remarkable success in certain large cities and commercial centers it was not so in other cities and towns of the Empire, the failure being due to the fact that the well-to-do class did not like to be treated as smokers at the offices of the magistrates or the police stations.

The greatest success that China could claim in 1907 was the universal shutting down of opium dens throughout the Empire. In all the chief cities except the capital of Szechwan all opium divans and dens were closed without riot and a majority of such establishments were closed in the country districts. In the province of Szechwan it may be generally said that the dens were either closed or licensed as the regulations required, while in the capital of that province the divans were reduced from 500 to 300 and were all placed under strict supervision of the police authority. Opium shops were licensed and inspected in most cities, and were more or less under official supervision and subject to a tax which was based upon the amount of business transacted.

The provincial governments manufactured remedies and established refuges for the opium addicts. Anti-opium medicines manufactured by Government were available in nearly all the capitals of the provinces and large towns, and they were within the reach of a majority of the inhabitants. But some of the anti-opium medicines manufactured by private

<sup>16</sup> Mr. Leech's Report, 1907, 41-45. The report may be found in *Accounts and Papers*. The author selected Mr. Leech's Report as the basis of discussion, under the firm conviction that by doing so he would be free from any sign of prejudice.

individuals contained opium or morphia, thus simply substituting one vice for another.

Anti-opium societies were organized, and they displayed a certain amount of energy. Some of them were under official auspices, while others were of a private nature.

The prohibition of smoking was carried out with varying success. It was strictly enforced in all governmental colleges, schools, industrial institutions, and in the police and the army. In the army the penalty for opium smoking was death. It was reported that the few native officers employed in the Imperial Maritime Customs all ceased to smoke as a result of the prohibition. On October 10, 1907, an Imperial Decree was issued to remove from office a number of high dignitaries and princes who failed to break off the opium habit within the prescribed limit of time.<sup>17</sup> Vice-presidents of the Censurate and of the Law Reform Committee, both opium addicts, died in consequence of having to give up the habit — an indication that the law was strictly enforced among the high functionaries.<sup>17</sup>

All Tartar Generals, Viceroys, and Governors obeyed the regulations and did their best to promote the cause of suppression. The local authorities at a few large cities distinguished themselves in the vigorous prosecution of the administrative regulations.

China's moderate success in the direction of suppressing opium was undoubtedly responsible for the closing of all dens in Austrian, Belgian, British, German and Italian Concessions, except in Shanghai, where the divans were still open. As to the Japanese, French and Russian Concessions, it may be said that the dens were either closed of their own accord or on account of the severe measures adopted by the respective Governments.

This is, in brief, a sketch of the opium situation towards the end of 1907. In the same year two Imperial Edicts were issued, one on February 7 and the other on June 26.<sup>18</sup> The

<sup>17</sup> Leech's Report, 1907, p. 31.

<sup>18</sup> Reference may be found in *The China Year Book*, 1912, p. 429.

first Edict urged the extension of branch anti-opium societies so as to render the greatest possible assistance to the Government, but laid more stress upon the restriction of cultivation. It says in part:

“But strict as must be the prohibition against smoking, it is even more necessary to forbid the cultivation of the poppy, in order to sweep away the source of evil. The responsibility is therefore placed upon all Tartar Generals, Viceroys and Governors to see to it that cultivation is diminished annually, as prescribed by the regulations submitted to Us, and that within the maximum term of ten years the supply of foreign and native opium is completely cut off. There must be no laxity or disregard for this beneficial measure, which the Throne so ardently desires.”

The other Edict is simply a repetition of the first. Taken together the two Edicts indicate very clearly that the Chinese Government was firm and vigorous in pushing the anti-opium campaign.

During the course of the anti-opium campaign it appeared to the Chinese Government necessary to establish a separate organ to deal with the high functionaries addicted to the drug. So the Emperor appointed, on April 7, 1908, Prince Kung, Assistant Grand Secretary Lu, and two other high functionaries as special commissioners to suppress opium among the officials. Should any high-functionary be found by the Opium Commissioners to be smoking opium he would be punished according to the law. The Commissioners were empowered to summon, subject to the consent of the Throne, high provincial officials above the rank of Prefect (taotai) for examination if they should suspect them of indulging in the pernicious habit. The guilty official was to be dismissed from office.

The Commissioners performed their duties faithfully. They denounced two high functionaries holding the posts of Sub-Chancellors of the Grand Secretariat, and on July 30, 1908, an Imperial Decree was issued cashiering the two for falsely reporting abstinence from the drug. As a result of the Commissioners' vigorous execution of the anti-opium Edicts, high

functionaries died in their endeavor to conquer the habit,<sup>19</sup> and a large number of district magistrates and other public officers were degraded or removed from office on account of their still indulging in the pernicious practice.<sup>21</sup>

The jurisdiction of the Commissioners extended only to officers; they had no power whatsoever over the common people. All officers in the capital as well as in the provinces were under their jurisdiction, while the 'gentry' and the common were within the jurisdiction of the Ministry of the Interior at Peking and the highest authorities in the provinces.<sup>22</sup>

On May 9, 1908, the Chinese Government promulgated several elaborate regulations, devised by the Commissioners, against the cultivation as well as the consumption of opium. These regulations were, in part, repetitions of those issued one year before, but they tended to hold a tighter grip upon the smokers and cultivators. The Court at Peking was not satisfied with the moderate success of 1907. So it issued new and additional regulations to accelerate the success. On May 23, 1908, the Chinese Government put into force another series of regulations which were devised by the Ministry of the Interior.<sup>23</sup> While repeating to a certain extent the regulations of May 9, the new regulations embodied novel features which are not found in the previous regulations.

By the new regulations all persons intending to cultivate the poppy must not only secure licenses from the local authorities (the licenses were renewable each year) but must pay, on applying for the license, a fee of 150 cash (equivalent to

<sup>19</sup> Sir Alexander Hosie's Report, 1909, p. 2. The report may be found in *Accounts and Papers*. Sir Alexander Hosie was then Acting Commercial Attaché to the British Legation at Peking.

<sup>21</sup> Cf. *Correspondence Respecting the Opium Question in China*, 1908, p. 31.

<sup>22</sup> See Article 8 of the regulations of May 9, 1908. *The China Year Book*, 1912, pp. 635-638.

<sup>23</sup> The text of the regulations may be found in *The China Year Book*, 1913, pp. 631-635.

5c) per Chinese acre. All clandestine cultivation was prohibited.<sup>24</sup> Land under cultivation must be reduced by one-eighth a year instead of one-ninth as formerly required.<sup>25</sup> Honest and impartial 'gentry' were to be appointed to go round exhorting the people to discontinue the cultivation of the poppy, and the cultivation of other commodities such as tea, sugar, and oil was to be encouraged.<sup>26</sup>

As to the restriction of smoking, all addicts were required to go to the opium refuges established by the Government and remain there not less than from three to five days nor more than from six to seven days. While in the refuges, the addicts were under the supervision of the opium inspector whose chief function was to ascertain whether the addict had really got rid of the habit. In case the inspector found by test that the addict had really broken off the habit a certificate to that effect would be issued to him and then he could leave the refuge; but all who failed to demonstrate that they were free from the habit must stay.<sup>27</sup> Any person suspected of indulging in the pernicious habit would be called upon to undergo a test whenever that test was deemed necessary by the authorities.<sup>28</sup> Institutes for inspecting smokers were to be established in the provinces by the Viceroys and Governors.<sup>29</sup>

For the purpose of ascertaining the volume of the native opium traffic, the so-called Farms system was introduced, the Farms to act as middlemen between the cultivators and the opium shops. The Farms were licensed by the Sub-office of the Opium Deputy Bureau in conjunction with the local authorities, without charge. All native opium must be bought and sold through these Farms; direct transactions between

<sup>24</sup> Article 3 of the regulation of May 23, 1908.

<sup>25</sup> Article 2 of the regulation of May 23, 1908.

<sup>26</sup> Article 6 of the regulation of May 9, 1908.

<sup>27</sup> Article 2 of the regulation of May 9, 1908.

<sup>28</sup> Article 1 of the regulation of May 9, 1908.

<sup>29</sup> Article 3 of the regulation of May 9, 1908.

the cultivator and buyer were prohibited. The Farmers were required to enter in their books the quantity of opium collected from the villages, and to present the books from time to time to the Bureau's sub-office for inspection. The Farms were to be responsible for the payment of duties levied upon native opium.<sup>30</sup>

Since the anti-opium medicines produced in certain cases baneful effects, even more baneful than the habit itself, the regulations required all local officers to examine such medicines at all druggists', and to prohibit the sale of medicines containing morphia or opium.<sup>31</sup>

All officers other than those already holding substantive posts must give, on being appointed to office, bonds, guaranteed by their colleagues, that they were not opium smokers.<sup>32</sup> Liberal rewards were offered to deserving officers who could distinguish themselves in executing the regulations.<sup>33</sup>

In 1908 special regulations were promulgated by the Ministry of the Interior against the consumption and sale of opium at Peking. All smokers were commanded to cease the practice within eight years and to reduce smoking by one-eighth a year. A high tax was levied on permits to be issued to the smokers. As to the control of opium sales, the Government required all opium shops having a capital of less than 1,000 taels to be closed, and returns of the amount of purchase and sale must be handed to the Government for inspection.<sup>34</sup>

On October 6, 1908, the Board of Finance suggested a new mode of procedure in restricting production and cultivation. It recommended that in the North and West the Government should by all means curtail the production, and that in the

<sup>30</sup> Article 4 of the regulation of May 23, 1908.

<sup>31</sup> Article of the regulation of May 23, 1908.

<sup>32</sup> Article 9 of the regulation of May 9, 1908.

<sup>33</sup> Cf. article 10 of the regulation of May 9, 1908, and articles 16-21 of the regulation of May 23, 1908.

<sup>34</sup> Cf. Sir Alexander Hosie's Report, 1908, p. 2 ff.



coast and river provinces to which foreign opium could get easy access the Government should concentrate its efforts upon suppressing consumption. The reason for the new mode was this: in the North and West the people consumed only native opium, and reduction in the production of opium would bring about a corresponding reduction in consumption whereas in the riverine provinces this would not be the case.<sup>35</sup> This mode was generally followed. It was responsible for the indifference of the officers in the North and West towards the regulations, except that part which related to cultivation.

In 1908, as a result of the active campaign, the area of land under cultivation was generally reduced throughout the Empire,<sup>36</sup> notably in Yunnan, Kiangsu, Honan, Fukien, Shantung, Chili, and Manchuria.<sup>36</sup> In Kwongsi cultivation entirely ceased.<sup>37</sup> In certain provinces such as Hunan, Kiangsu, Chili, Fukien, the authorities were energetic in executing the regulations, especially those regulations which required the licensing of opium smokers, and the closing and inspection of opium shops; but instances are not wanting in other provinces where the regulations were either a dead letter or enforced with great laxity. Public and private opium refuges were opened for the treatment of the unfortunate addicts. Native anti-opium medicines were distributed gratuitously or sold at cost. Anti-opium Bureaus were established in many parts of the country to test officers, and as a result of the scrutinizing examination by the Bureaus, many public officers were dismissed from office.<sup>38</sup>

On July 2, 1908, the Legislative Council of Hong Kong passed an ordinance to prohibit the exportation of prepared opium to China in accordance with the agreement which was concluded in 1907 between China and Great Britain.<sup>39</sup> To-

<sup>35</sup> Sir Alexander Hosie's Report, 1908, Appendix B.

<sup>36</sup> Cf. Leech's Report, 1908, and Sir Alexander Hosie's Report, 1908.

<sup>37</sup> Leech's Report, 1908. See under Kwongsi.

<sup>38</sup> Cf. Sir Alexander Hosie's Report, 1908.

<sup>39</sup> Sir Alexander Hosie's Report, 1908, p. 6.

wards the end of September, 1908, Japan assented to the prohibition by China of the general importation of morphia, and the prohibition went into effect on January 1, 1909.<sup>40</sup> Thereafter no morphia could be imported except for medicinal purpose. The penalty for selling morphia (except under Customs permit) and manufacturing instruments for its injection was banishment.<sup>41</sup>

The large opium-producing provinces such as Szechwan, Yunnan, Kweichow, Shansi, furnished a supreme test of the success or failure of the programme adopted by the Chinese Government for total prohibition. In the first two years after 1906 little progress was made in these provinces except the shutting down of opium divans. But in 1909 the situation entirely changed. The Shansi Government took sudden and vigorous action to suppress cultivation, and cultivation in Yunnan was reduced by 80% or 90%.<sup>42</sup>

On January 12, 1910, Sir Alexander Hosie, British Consul General, took a trip to Szechwan with the purpose of making a thorough investigation of the poppy-cultivation in that province. He did not find a single poppy in the opium-producing centers; cultivation entirely ceased after the season of 1908-1909.<sup>43</sup> Shansi, another large opium-producing province, also ceased cultivation in 1909.<sup>44</sup> In April, 1911, Sir Alexander Hosie toured the different parts of Yunnan, and as a result of his tour he came to the conclusion that cultivation in that province was reduced by 75% in 1910, while the Chinese authorities claimed a reduction of from 80% to 90%. Poppy was found only in the mountainous regions inhabited by the aboriginals.<sup>45</sup>

<sup>40</sup> Sir Alexander Hosie's Report, 1908, p. 6.

<sup>41</sup> Sir Alexander Hosie's Report, 1908, Appendix A.

<sup>42</sup> Max Müller's Report, 1909, p. 21. Mr. Müller was then Councillor to the British Legation at Peking.

<sup>43</sup> Sir Alexander Hosie's Report, 1910, p. 20.

<sup>44</sup> Sir Alexander Hosie's Report, 1910, pp. 2, 3.

<sup>45</sup> Sir Alexander Hosie's Report, 1911. See under Yunnan.

With Shansi and Szechwan all cleared of, and Yunnan almost free from, poppy cultivation, the Chinese Government pressed Great Britain for the conclusion of an agreement which would bring the eradication of opium to completion.<sup>46</sup> The British Government was glad to entertain the Chinese proposition, partly because the House of Commons declared by a unanimous vote the opium trade "morally indefensible" in 1906 and 1908,<sup>47</sup> and partly because China demonstrated her ability to curtail native cultivation as well as consumption. In consequence, an agreement between China and Great Britain was signed at Peking on May 8, 1911.<sup>48</sup>

Under this compact, the British Government agreed that the opium trade with China must entirely cease in 1917 if China could diminish annually the production of opium within her territory in the same proportion as the annual export from India.<sup>49</sup> The British Government further agreed that the export of Indian opium to China should cease prior to 1917 if clear evidence could be shown of the complete absence of production of native opium in China.<sup>50</sup>

Under the arrangements of 1907, the British Government agreed to diminish the export of Indian opium to countries beyond the seas by 5,100 chests a year, but owing to the inflated price of the drug the import of Indian opium into China increased instead of decreasing.<sup>51</sup> The Chinese Government desired to remedy this to a certain extent with a view to cutting down the importation of foreign opium. Therefore, in the agreement of 1911, a provision was made whereby the British Government was bound not to convey

<sup>46</sup> See chapter III.

<sup>47</sup> *Parliamentary Debates, Commons*, 1913, Vol. 52, p. 2151.

<sup>48</sup> *Treaty Series*, 1911, no. 13.

<sup>49</sup> The Government of India agreed to reduce the export of Indian opium by 5,100 a year from 1911 to 1917 inclusive. Cf. the arrangements of 1907. Also Article I of the Agreement, May 8, 1911.

<sup>50</sup> Article II.

<sup>51</sup> See, *supra*, pp. 50, 51.

Indian opium into any province "which can establish by clear evidence that it has effectively suppressed the cultivation and import of native opium".<sup>52</sup> China, however, agreed that she would not close Shanghai and Canton to the import of Indian opium until all the provinces were cleared of cultivation.<sup>53</sup>

The British Government consented to increase the consolidated import duty on Indian opium to 350 taels per chest of 100 catties, provided "the Chinese Government levy an equivalent excise duty on native opium".<sup>54</sup> China was bound to remove all the restrictions on wholesale trade in Indian opium, but she reserved the right to regulate the retail trade in general.<sup>55</sup>

From May 8, 1911, only certified Indian opium, accompanied by permits of the Indian Government, was allowed to be imported into China; uncertified opium must be landed at the Treaty Ports within two months from date of signature. After that date Chinese ports were closed to the landing of uncertified Indian opium.<sup>56</sup>

After the conclusion of the agreement of May 8, 1911, the provincial authorities were exceedingly active against the bringing in of foreign opium in violation of the terms of that agreement, and the Chinese Department of Foreign Affairs was obliged to send special instructions to the Viceroys and Governors. In the instructions the Department says:

"If a whole province can establish by clear evidence that it has suppressed the cultivation and the import of native opium, the Board (the Emperor's Executive Council) can then bring before His Majesty's Minister the question of suppressing the import of foreign opium. But if in any province the cultivation has not entirely ceased and there is still a large number

<sup>52</sup> Article III.

<sup>53</sup> *ibid.*

<sup>54</sup> Article VI. Also Annex.

<sup>55</sup> Article VII.

<sup>56</sup> Article VIII. See also Annex.

of smokers, no forcible repressive measures must be taken in that province in respect of the trade in, and movement of, foreign opium."<sup>57</sup>

From September 11, 1911, the import of Indian opium into Shansi, Szechwan, and Manchuria was forbidden in accordance with Article III of the agreement of 1911.<sup>58</sup> But, while the anti-opium campaign was at its height, there occurred in China an epoch-making event which resulted in a set-back to the cause of opium suppression. In September of 1911 a political revolution broke out in the central part of China, spreading in all directions with alarming rapidity. But the leaders of the revolution, hating opium as much as did the Manchu Government, proceeded to suppress the drug with even greater energy and vigor. The revolutionary Government of Anhwei seized seven chests of Malwa opium at Anking on the Yangtze River and publicly burned them. The British Consul General protested in vain.<sup>59</sup> In certain other provinces where the people revolted, Indian opium met the same fate at the hands of the new authorities.

As a result, a huge quantity of Indian opium was accumulated in Shanghai to the value of £11,000,000. The matter was referred to the Diplomatic Corps at Peking, and on December 15, 1911, Sir J. Jordan, the British Minister, warned the Chinese Government that, "unless unequivocal assurances were immediately forthcoming that it was the intention of China to observe the agreement of May 8, 1911, he would be compelled to advise his Government that remonstrances were ineffective".<sup>60</sup> On account of the unsalability of the accumulated Indian stock at Shanghai, opium merchants in India petitioned the Indian Government towards the end of 1911

<sup>57</sup> Circular of Waiwupao. No date. Reference may be found in *The China Year Book*, 1914, p. 697.

<sup>58</sup> In Shansi and Szechwan cultivation ceased in 1909, *supra*, p. 65. As to Manchuria, see *The China Year Book*, 1913, p. 644.

<sup>59</sup> *The China Year Book*, 1913, p. 644.

<sup>60</sup> *The China Year Book*, 1913, p. 644.

for the immediate stoppage for the time being of sales of opium for export to China.<sup>61</sup> In 1912 the provincial authorities continued to interfere with the sale and movement of Indian opium, with the result that more Indian stock, now amounting to 20,000 chests, was accumulated at Shanghai and Hong Kong. The provincial authorities argued that under the terms of the agreement of 1911 China could regulate the retail trade in Indian opium in such manner as she saw fit, and that it would be a preposterous mode of procedure should China permit the sale of foreign opium but prohibit the native trade in it.<sup>62</sup>

In the early part of 1912 the National Government at Peking promulgated a Criminal Code for the punishment of opium smokers and opium dealers.<sup>63</sup> According to this code, opium smokers, opium dealers, opium cultivators, and all those who manufacture opium or opium instruments, are liable to penal servitude of from the third to the fifth degree.<sup>64</sup> This prohibition is applicable to all persons including the customs officers.<sup>64</sup> The police officers are charged with the duty of enforcing this prohibition, and if they fail to inflict the proper penalty upon those violating provisions of the code, they will be punished in the same way as if they were themselves offenders.<sup>65</sup> Those who secretly store opium-smoking instruments are liable to a fine not exceeding \$100. Those committing the offences as enumerated in the criminal code will lose all civil rights and must retire from the offices they hold.<sup>66</sup> This criminal code amounts to forbidding the importation of Indian opium into any province of China.

In certain provinces such as Hunan, Szechwan, and Yun-

<sup>61</sup> *The China Year Book*, 1913, p. 644.

<sup>62</sup> *ibid.*

<sup>63</sup> The text of the code may be found in *Chung Hwa Lu Fa* (Six Laws of China). See under Temporary Code.

<sup>64</sup> Articles 260-264.

<sup>65</sup> Article 266.

<sup>66</sup> Article 269.

nan, the authorities exceeded the criminal code, and decreed the death penalty for opium smokers. Under the operation of this decree some 300 opium addicts were executed in different parts of Hunan.<sup>67</sup> The decree was superseded by order of the National Government at Peking in January, 1913.

In February, 1913, Chili and Kwongsi were proved free from poppy cultivation, and from June 15, 1913, Indian opium was forbidden to enter Anhwei, Hunan, and Shantung, in accordance with Article III of the agreement of 1911.<sup>68</sup> But according to Sir J. Jordan's report, there was in 1913 a revival of poppy cultivation in the provinces where cultivation was declared to have ceased. The local authorities were, however, very active and succeeded in destroying the poppy in most cases.<sup>69</sup>

In the meantime, the Indian stock was continuously accumulated at Shanghai, and the Department of Foreign Affairs offered, in June, 1913, to pay the cost of shipping the Indian stock back to India, but the British Government declined to accept this offer.<sup>70</sup> In the same year General L. Chang went to England on an unofficial mission and asked the British Government not to press for the sale of the accumulated Indian stock at Shanghai, but his mission was unsuccessful.<sup>70</sup> In view of the stagnant market for Indian opium in China the Indian Government decided to allow no sales of opium for the Chinese market in Calcutta after the auction of 170 chests fixed for April 1st, and no sale of certified opium in Bombay after March 12, 1913.<sup>70</sup> On May 7, 1913, a debate took place in the House of Commons in regard to the opium traffic with China. Mr. Taylor Jones who led the fight declared the opium trade "morally indefensible". As a result of this debate, Mr. Montagu, Under-secretary of State for India,

<sup>67</sup> The author is a native of Hunan. He gathered this information from the newspapers at the Capital of the province.

<sup>68</sup> *The China Year Book*, 1913, p. 644. Sir J. Jordan's Report, 1913.

<sup>69</sup> Cf. Sir J. Jordan's Report, 1913.

<sup>70</sup> *The China Year Book*, 1914, pp. 699-701.

announced in the House of Commons that the British Government was prepared not to sell any more opium to China not only in 1913 but "never again".<sup>71</sup>

To sum up. From 1907 to 1913 China succeeded in eliminating cultivation from eight provinces, namely, Anhwei, Chili, Hunan, Kwongsi, Manchuria, Shansi, Shantung, Szechwan, and cultivation in other provinces was reduced by 80 or 90 per cent. Inasmuch as Szechwan, Shansi, Shantung, Manchuria, Chili, produced more than 90% of native opium, it may be said that cessation of cultivation in those provinces would reduce the quantity of native opium to that extent. The remarkable success was due partly to the vigorous execution by energetic officers of the anti-opium regulations that the Chinese Government promulgated in pursuance of the Imperial Edict of September 20, 1906, partly to the fears on the part of the cultivators that their land would be subject to confiscatory taxation or confiscated, and partly to the close co-operation of the local 'gentry' and anti-opium societies which showed considerable enthusiasm in assisting the Government. Had the Revolution of 1911 been delayed, the programme of total prohibition would have been carried out in 1913 or 1914 instead of 1917 — for the Revolution interrupted administrative operations in places where disorder and lawlessness reigned. As to smoking, it may be said that it was generally cut down throughout the whole country, and the agreement of 1911 was an indirect aid to the Chinese Government in curtailing consumption. In the meantime, the British Government was prepared to desist from the opium traffic with China because it was not supported but, on the contrary, denounced by the House of Commons.

<sup>71</sup> *Parliamentary Debates, Commons*, 1913, vol. 52, p. 2151 ff. As to Mr. Montagu's statement, see, *ibid*, p. 2190.



## CHAPTER V

### THE INTERNATIONAL MOVEMENT (1909-1914)

The effort of the Chinese Government, beginning with 1906, to put an end to the opium evil within a maximum term of ten years,<sup>1</sup> met with special favor in certain countries of the world, and particularly in the United States, which held itself aloof from the nefarious trade from the beginning to the end. Mr. John W. Foster was entirely right in saying this: "From the beginning of our political intercourse with that country (China) we have discouraged all efforts on the part of Americans to engage in the opium trade, so injurious to its people and forbidden by its laws".<sup>2</sup> In pursuance of this policy the American Government dismissed in 1843 an American consul on account of his participation in the opium trade.<sup>3</sup> The United States was not content with simply standing aloof; it was anxious to see the traffic suppressed or in anywise restricted. In accordance with this view, the American Government concluded with China, on November 17, 1880, a treaty Article II of which says in part: "Citizens of the United States shall not be permitted to import opium into any of the open ports of China, to transport it from one open port to any other open port, or to buy and sell opium in any of the open ports of China". To put this provision into force Congress passed supplementary legislation on February 23, 1887.<sup>4</sup>

China's early attempts at suppression of the opium curse were crushed by brutal force. But in 1906 the situation had

<sup>1</sup> See the Imperial Edict of September 20, 1906, *supra*, pp. 43, 44.

<sup>2</sup> John W. Foster, *A Century of American Diplomacy*, 1900, p. 290.

<sup>3</sup> Francis Wharton, *A Digest of International Law of the United States*, 1887, p. 447. Cited by Foster, *ibid*, p. 291.

<sup>4</sup> Act of February 23, 1887, ch. 210, 24 Stat. L., 409 ff.

radically changed, and the time was ripe for humanitarian nations to offer friendly assistance to China in rooting out the inveterate evil which had so long debauched her people.

In the meanwhile, the missionary societies in China and commercial institutions in the United States made representations to the American Government urging it to take the initiative in assisting China to secure the prohibition of the opium traffic. The matter was referred to Secretary Hay who in turn brought it to the attention of President Roosevelt. Bishop Brent who had served on the Opium Committee of 1903<sup>5</sup> wrote a personal letter to President Roosevelt urging him "to promote some movement that would gather in its embrace representatives from all countries where the traffic in and use of opium is a matter of moment".<sup>6</sup> His proposition won the favor of the American Government. Accordingly, under the direction of President Roosevelt, Secretary Elihu Root started on September 1, 1906, correspondence with the different powers in regard to the possibility of making an investigation by a joint commission of the opium problem as to its commercial, agricultural, as well as the other scientific aspects. After the elapse of some eighteen months the Powers agreed to hold in 1909 an International Opium Commission at a place to be designated by the American Government.

On the face of things, the international movement initiated by the United States seems attributable to purely humanitarian motives; but a review of the opium situation in the

<sup>5</sup> In 1903 the Philippine Government appointed an Opium Committee to make a special study on the opium problem in the Far Eastern countries, such as China, Japan, Formosa, French Indo-China, Burma, etc. To this end the Committee toured different parts of these countries and made a comprehensive report in 1904. *Infra*, p. 91.

<sup>6</sup> Part of Bishop Brent's letter was quoted by Dr. Hamilton Wright in his report of 1910, p. 64 (*Senate Documents*, vol. 58, no. 377). As to the representations of missionary societies, see *Senate Documents*, no. 135, 58th Congress, 3rd Session, "Report of Hearing by the American State Department on Petitions to the President to use his Good Offices for the Release of China from Treaty Compulsion to tolerate the Opium Traffic, with Additional Papers".

United States previous to 1909 shows clearly that the pernicious drug had already become an acute problem in certain sections of the country. As a result of careful investigations, Dr. Hamilton Wright came to the conclusion that the use of opium in the United States was not confined to the Chinese population but had spread elsewhere. Dr. Wright pointed out that before 1909 the average import of opium per annum was 148,168 pounds; the amount consumed by Chinese was estimated at 99,750 pounds, thus leaving a balance of 48,418 pounds to be accounted for.<sup>7</sup> The balance must have been consumed by the non-Chinese population, a presumptive evidence that the evil was spreading to certain classes of the American people. It was, therefore, the desire of the American Government to check the spread of the evil. The task of the Government in this regard would be considerably facilitated if coöperation could be secured from other sympathetic Governments. The American Government no doubt had this end in view when it proposed to hold an international opium conference. Aside from this, the American Government also expected the forthcoming conference to find out by investigation the best method of restricting the use of the drug to legitimate purposes. "While the investigation now proposed", says Secretary Hay, "relates to opium in the Far East, an incidental advantage may be to point out the necessity, and the best method, of restricting the use of opium in the United States".<sup>8</sup>

After the acquisition of the Philippine Islands as a result of the Spanish-American War of 1898, the United States was brought face to face with an opium problem which assumed larger proportions than in the United States proper. A large percentage of the native and Chinese population in the Philip-

<sup>7</sup> Hamilton Wright's Report, 1910, *Senate Documents*, vol. 58, no. 377, pp. 42, 43. The import does not include the amount of opium successfully smuggled into the United States.

<sup>8</sup> Secretary Root's Letter of May 7, 1908, *House Documents*, vol. 108, no. 926, p. 3.

pine Islands was addicted to the use of opium and suffered from the deleterious consequences thereof. A humanitarian nation like the United States would not tolerate the prevalence of such a ravaging scourge in its possessions. Accordingly, the Philippine Commission appointed in 1903 an Opium Committee to investigate the opium situation in Japan, China, Formosa, French Indo-China, Java, Burma, and elsewhere, with a view to find out the best means of suppressing or minimizing the abuse of opium in the Philippine Islands.

It is thus clear that the motive of the United States in proposing the International Opium Commission was humanitarian as well as material — it was material in the sense that by availing itself of the result of investigations of the proposed commission and the possible coöperation of the nations represented the United States would be in a better position to stamp out the opium evil within its territory as well as in its colonial possessions. Fortunately, the proposal of the United States met with favor from all the Governments to which it had previously made representations on the subject. The Powers that responded to the American proposal were China, France, Germany, Great Britain, Japan, the Netherlands, Portugal, Russia, Austria-Hungary, Italy, Siam. But since large quantities of opium were produced in Persia and Turkey, the American Government deemed it necessary to extend the invitation to those two countries. Persia accepted the invitation and appointed delegates to attend the Commission, but Turkey, owing to an internal political upheaval, failed to appoint any delegates to the conference.

The Powers represented at the International Opium Commission of 1909 at Shanghai were, the United States of America, China, France, Germany, Great Britain, Japan, the Netherlands, Portugal, Russia, Austria-Hungary, Italy, Siam, Persia. The International Opium Commission held a series of conferences at Shanghai from February 1 to 26, 1909, and passed a series of resolutions, all aimed at the suppression or restriction of opium. The Commission, however, failed to accomplish anything in a material sense; it only by resolu-

tions indicated the general lines upon which to conduct the international campaign against opium. The resolutions of the Commission were only views exchanged on the subject and could not possibly bind the Governments represented. The Commission, however, accomplished one thing, namely, the unanimous denunciation of opium as a great evil. Furthermore, the Commission must be credited with having paved the way for later international conferences which developed a powerful body of public opinion against the opium trade.

At the Commission the British delegation introduced the first resolution, which was perhaps unnecessary. This resolution recognized "the unswerving sincerity of the Government of China in their efforts to eradicate the production and consumption of opium throughout the Empire . . . ."<sup>9</sup> The rest of the resolutions may be classified under (1) measures recommended for the suppression or restriction of opium in each country, (2) measures designed to aid China in her anti-opium campaign which was going on with vigor and excellent results.

The Commission recommended that each delegation should move its own Government to take measures for the gradual suppression of the practice of opium smoking in its own territories and possessions, with due regard to the varying circumstances of each country concerned;<sup>10</sup> that each delegation should urge upon its own Government the desirability of revising its administrative regulations in the light of experience in other countries;<sup>11</sup> that each delegation should move its own Government to adopt drastic measures in its own territory or possessions to control the manufacture, sale, and distribution of opium and its derivatives liable to similar abuse.<sup>12</sup>

<sup>9</sup> Resolution 1. Cf. Hamilton Wright's Report, 1910, op. cit. p. 71.

<sup>10</sup> Resolution 2. Full text of the resolutions may be found in *The China Year Book*, 1913, pp. 638, 639.

<sup>11</sup> Resolution 3.

<sup>12</sup> Resolution 5.

As regards the measures designed to assist China, the Commission stated that it was the duty of each country to adopt reasonable measures to prevent at ports of departure the shipment of opium, its alkaloids and derivatives, to any country which prohibited the entry of opium or its derivatives.<sup>13</sup> This resolution, proposed by the American delegation, met with strong opposition from certain delegates,<sup>14</sup> on the ground that the prohibiting country alone should be responsible for the prevention of smuggling; but the resolution was nevertheless adopted. This measure, if duly carried out, would aid the Chinese Government to a great extent. The Commission also urged all Governments having possessions in China to take effective measures to prohibit opium smoking in the public resorts and to close opium divans in the Settlements or Concessions,<sup>15</sup> to enter into negotiations with China with a view to take effective measures in their Concessions in China for the prohibition of the trade in and the manufacture of such anti-opium remedies as should contain opium or its derivatives,<sup>16</sup> and to apply their pharmacy laws to their subjects or citizens in the consular districts, Concessions or Settlements in China.<sup>17</sup>

These are, in brief, the views expressed by the International Opium Commission on the subject of opium. That the Commission failed to accomplish much is irrefutable, but it unanimously expressed the opinion that a stop should be put to the opium traffic. This unanimous opinion may be regarded as a great moral encouragement to the Chinese Government, which was pushing the anti-opium campaign vigorously. Enthusiasts in China even went so far as to assert that she need not fulfil her treaty obligations in regard to the opium traffic because all the Powers having treaty relations with China and

<sup>13</sup> Resolution 4.

<sup>14</sup> Cf. Hamilton Wright's Report, 1910, *op. cit.* p. 70.

<sup>15</sup> Resolution 7.

<sup>16</sup> Resolution 8.

<sup>17</sup> Resolution 9.

represented at the International Opium Commission had decided to suppress it.

As to how far the Powers represented in the Commission acted upon the recommendations of the Commission, it seems safe to say that none heeded them except two, namely, China and the United States, where strict laws were enacted by the respective Governments to suppress or restrict opium. True, the Treaty Powers having Concessions or Settlements in China closed the divans or establishments where opium was publicly consumed; it is nevertheless doubtful whether such action was taken in consequence of the resolutions passed by the International Opium Commission. As to the measures recommended for suppression or control of opium in each country, nothing was undertaken in this regard by the respective Governments except China and the United States.<sup>18</sup> The inaction was partly due to the fact that opium was not a problem in certain countries such as France, Germany, Austria-Hungary; partly to the fact that strict measures had already been adopted on the subject; partly to the fact that certain countries were reluctant to give up the trade because of the tremendous financial or revenue sacrifices involved.

The United States, however, still held steadfast to the idea that to wipe out the abuse of opium international coöperation was essential and necessary. Accordingly, the American Government proposed the First International Opium Conference to be held at The Hague in 1911. The American proposal again met with favor, and the Conference held its sessions at The Hague from December 1, 1911, to January 22, 1912. As a result of discussion and investigation, the Conference adopted a number of articles, all embodied in what is known as the International Opium Convention.<sup>19</sup>

<sup>18</sup> As to the laws and administrative measures adopted by China, see, *supra*, ch. III. As to the laws enacted by the United States, see, *infra*, pp. 94-101.

<sup>19</sup> The International Opium Convention of 1912 may be found in full in *Senate Documents*, 1911-1912, vol. 39, no. 733, pp. 32-37, or in *Accounts and Papers*, 1912-1913, vol. 121.

Inasmuch as there was considerable confusion in regard to the different kinds of opium and its derivatives, the Convention started with a series of definitions of these substances. Raw opium is defined as "the spontaneously coagulated juice obtained from the capsules of the poppy" (*papaver somniferum*);<sup>20</sup> prepared opium as the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption.<sup>21</sup> All raw opium heated to 60 degrees Centigrade and containing not less than 10 per cent. morphia comes under the category of medicinal opium.<sup>22</sup> Morphia, cocaine, and heroin are defined, respectively, as the principal alkaloid of opium, having the chemical formula  $C_{17}H_{19}NO_5$ ; the principal alkaloid of the leaves of erythroxylon cocoa, having the formula  $C_{17}H_{19}NO_5$ ; and diacetyl-morphia, having the formula  $C_{21}H_{23}NO_6$ .<sup>23</sup>

While raw opium may be used for the manufacture of medicinal opium, prepared opium has only one use, namely, smoking. The two therefore require separate treatment on account of the difference in their use. The one can do no harm under strict governmental control, but the other is an abuse in itself. The Convention therefore provides that the contracting parties shall make effective laws and regulations for the control and distribution of raw opium, but they must take measures for the gradual suppression of the manufacture of, internal trade in, and use of prepared opium with due regard to the varying circumstances of each country concerned.<sup>24</sup>

As to the international aspects of the opium trade, the Convention requires that the contracting parties shall adopt measures to prevent the export of raw opium to countries

<sup>20</sup> Chapter I.

<sup>21</sup> Chapter II.

<sup>22</sup> Chapter III.

<sup>23</sup> *ibid.*

<sup>24</sup> Article I, Article VI.



which prohibit its entry, and to control the export of raw opium to countries which restrict its import,<sup>25</sup> and that they shall prohibit the export and import of prepared opium except as regards those countries which are not yet ready so to do.<sup>26</sup> In the latter case, the contracting parties shall undertake to prohibit the export of prepared opium to countries forbidding its entry or restricting its import unless the exporter complies with the regulations of the importing country.<sup>27</sup> In the case of raw opium as well as prepared opium, the contracting parties shall limit the number of towns or ports through which the drug is exported, and confine the export and import of such drug to duly authorized persons.<sup>28</sup>

As regards medicinal opium, morphia, cocaine and its salts, the contracting parties shall make pharmacy laws to confine their use to medicinal and legitimate purposes.<sup>29</sup> Furthermore, the contracting parties shall require all persons engaged in the manufacture, sale, distribution, import, and export of morphia, cocaine and its salts to obtain a license from the governmental authorities, and confine the delivery of such drugs to duly authorized persons.<sup>30</sup> The pharmacy laws that the contracting parties are required to enact shall be applicable to the so-called anti-opium remedies containing more than 0.2% morphia or more than 0.1% cocaine.<sup>31</sup>

Under the leadership of the United States, the First International Opium Conference was just as anxious as the International Opium Commission of 1909 to assist China in carrying her anti-opium campaign to a successful conclusion. With this purpose in view the Conference incorporated in the Convention a series of articles specially designed to aid China.

<sup>25</sup> Cf. Article III, Article VII.

<sup>26</sup> Article VII, Article VIII.

<sup>27</sup> Article VIII.

<sup>28</sup> Articles II, V, VIII.

<sup>29</sup> Article IX.

<sup>30</sup> Article X, Article XI.

<sup>31</sup> Article XIV.

Under the terms of the Convention, the contracting parties having Settlements or Concessions in China shall take measures to prevent the smuggling into Chinese territory of raw and prepared opium, morphia, cocaine and its salts; close the opium dens in the Settlements or Concessions; reduce the number of shops where raw and prepared opium is sold; prohibit the illegal import into China in the form of postal packages or illegal transmission through these offices from one place in China to another of raw and prepared opium, morphia, cocaine, and similar substances.<sup>32</sup> On her part, China shall make pharmacy laws regulating the sale and distribution of morphia, cocaine and similar substances, which laws may be applied, if found acceptable, by the Treaty Powers to their nationals residing in China.<sup>33</sup>

These are, in brief, the chief provisions of the International Opium Convention of 1912. It is to be noticed that the Convention embodies many of the views expressed by the International Opium Commission of 1909. That part of the Convention which relates to the international trade in opium was almost entirely copied from the resolutions of the International Opium Commission.<sup>34</sup> As to the measures devised to aid China, the Conference reiterated the views of the Commission of 1909.<sup>35</sup> But the Convention contains new provisions which aim to suppress the trade in prepared opium, to bring the raw opium traffic under strict governmental control, and to confine the narcotic drugs to medicinal and legitimate purposes. These are the chief aims of the Conference which require for their realization strict supplementary legislation as well as effective administrative measures to be undertaken by the Governments concerned. Whether the respective Governments will enact the necessary laws and adopt the necessary administrative measures is a supreme test of their sincerity towards the nefarious traffic.

<sup>32</sup> Articles XV, XVII, XVIII, XIX.

<sup>33</sup> Article XVI.

<sup>34</sup> Cf. *supra*, notes 13, 25, 27, 28.

<sup>35</sup> Cf. *supra*, notes 15, 16, 17, 32, 33.

The Powers represented at the First International Opium Conference were Germany, the United States of America, China, France, Great Britain, Italy, Japan, the Netherlands, Persia, Russia, Portugal, Russia, Siam. All these Powers signed the International Opium Convention, some of them with reservations.<sup>36</sup> Since a large number of important Powers did not participate in the Conference and their coöperation was deemed necessary for the success of the international anti-opium campaign, the Government of the Netherlands was requested to extend invitation to all the Powers who had not signed the Convention.<sup>37</sup>

As to the ratification of the Convention, the Government of the Netherlands was requested to invite all the Powers who had signed the Convention to ratify it. "In the event of the signature of all the Powers not having been obtained on the date of the 31st December, 1912, the Government of the Netherlands will immediately invite the Powers who have signed by that date to appoint delegates to examine at The Hague the possibility of depositing their ratifications notwithstanding".<sup>38</sup> The Convention was to come into force three months after the date mentioned in the notification<sup>39</sup> by the Government of the Netherlands.<sup>40</sup>

In the final protocol the Conference urged the Universal Postal Union to regulate the transmission through the post of raw opium, morphia, cocaine and its salts, and to prohibit the transmission of prepared opium — a step that was designed to prevent the post from being used for illegal purposes.

<sup>36</sup> Great Britain signed the Convention with this reservation: His Majesty's Government reserve the right to sign or denounce separately the said Convention in the name of any Dominion, Colony, Dependency, or Protectorate of His Majesty other than British India, Ceylon, the Straits Settlements, Hong Kong, Weihaiwei.

<sup>37</sup> Article XXII.

<sup>38</sup> Article XXIII.

<sup>39</sup> In the event of any ratification being deposited the Government of the Netherlands should notify the same to the Governments concerned.

<sup>40</sup> Article XXIV.

In accordance with article 22, the Government of the Netherlands sent out invitations to all the Powers that did not sign the Convention. As a result, a large number of additional signatures was secured. These were Costa Rica, Guatemala, Belgium,<sup>41</sup> Mexico, Luxemburg, Panama, Ecuador, Honduras, Salvador, Hayti, Venezuela, Brazil, Argentina, the Dominican Republic, Portugal, Denmark, Colombia, Cuba, Bolivia, Chili, Nicaragua, Peru, Sweden, Norway, Montenegro, Roumania, Switzerland. The Powers that did not sign the Convention up to December 31, 1912, were Austria-Hungary, Uruguay, Servia, Bulgaria, Greece, and Turkey.<sup>42</sup> Among the Powers who did not sign Turkey was the most important in view of the fact that Turkey produced large quantities of opium.

The Powers that were vitally interested in the Convention were China, the United States, and Great Britain. China was just struggling against all odds and obstacles to put an end to the opium evil within her borders. No doubt she was the most anxious to see the Convention put into force. The position of the United States was a little different. Actuated by humanitarian motives, the United States desired to wipe out the abuse of opium the world over. As an evidence of this, the United States Government launched the two international movements, namely, the International Opium Commission of 1909 and the First International Opium Conference of 1911-1912, and appropriated liberal sums for carrying on the movements. To Great Britain the putting into force of the Convention meant a tremendous sacrifice of revenue in India since such an act would entirely cut off one of its chief sources, namely, the opium traffic. It was but natural that Great Britain hesitated to ratify the Convention or put it into force immediately, unless it could be proved beyond doubt that all the Powers occupying a similar position were willing and ready to make the same sacrifice in the interests of morality and decency.<sup>43</sup>

<sup>41</sup> Belgium signed the Convention with reservation as to Belgian Congo.

<sup>42</sup> *Accounts and Papers*, 1914, vol. 71, pp. 20, 21.

<sup>43</sup> Cf. *infra*, note 44.

In accordance with article 23 of the Convention, a Second International Opium Conference was convoked by the Government of the Netherlands, on July 1, 1913, with a view to discuss the possibility of ratifying the Convention. Twenty-five Powers participated in the Second International Opium Conference.

In his instructions to the British delegation to the second Conference, Sir Edward Grey said that the object of the Convention "could not be adequately carried out by a small number of Powers represented, especially in view of the fact that some of the non-represented Powers occupied a very important position in regard to the questions under discussion, as for instance Turkey in regard to opium, and Peru and Bolivia in regard to cocaine".<sup>44</sup> Sir Edward Grey, however, instructed the British delegation to make it clear to the other delegations that hesitation on the part of the British Government to ratify the Convention should not be interpreted as a refusal but simply a postponement.<sup>45</sup> This was the attitude of Great Britain towards ratification of the Convention at the second Conference.

Great Britain was, however, not the only Power that advanced plausible reasons for refusing the much needed ratification. There was a number of Powers that refused to ratify the Convention on various grounds. Austria-Hungary, Norway and Sweden refused to ratify on the ground that under their constitutions they could not ratify until the enactment of new laws and regulations which were necessitated by the Convention. Switzerland took the ground that she need not ratify the Convention because her federal and cantonal laws in regard to the manufacture and sale of opium, morphia, cocaine and its salts, were already sufficiently strict to insure the prevention of abuses, thus rendering her coöperation valueless. A few other small Powers also refused to ratify for irrelevant reasons.

<sup>44</sup> *Accounts and Papers*, 1914, vol. 71, p. 1.

<sup>45</sup> *Accounts and Papers*, 1914, vol. 71, p. 3.

The position taken by the British delegation at the Conference perhaps discouraged some of the Powers represented who would be glad to ratify had Great Britain, the most interested in the opium traffic, ratified without suspicious hesitation.<sup>46</sup> Following Great Britain's lead, Germany hesitated to ratify for the same reason, viz., Peru's refusal; Peru, however, agreed to ratify as a result of representations which the American Government made to that country.<sup>47</sup> The poppy was not grown in Germany for opium, nor was opium an acute problem within her borders. Therefore, Germany's refusal to ratify may be attributable to indifference and apathy.

As a result of long discussions, the Conference passed resolutions urging all Powers who had refused to ratify to do so, and in the event of the signature of all Powers invited not having been obtained by December 31, 1913, the Government of the Netherlands should immediately request all signatory Powers to appoint delegates to examine at The Hague into the possibility of putting the Convention of 1912 into force.<sup>48</sup>

The Second International Opium Conference fell far short of the results expected of it, namely, the acceleration of ratification. It did no more than the first Conference of 1911 in regard to the practical side of the question. As a whole, the opium situation was still left where it had been, except in China and the United States, where much of the evil arising from opium was mitigated by legislative and administrative measures.<sup>49</sup> It is unfortunate that so laudable a plan as the International Opium Convention should have failed to receive the prompt ratification of all the Powers.

For the purpose of examining into the possibility of putting the International Opium Convention into force a Third International Opium Conference was convoked by the Government

<sup>46</sup> As to this point, see *Accounts and Papers*, 1914, vol. 71, p. 11.

<sup>47</sup> *Senate Documents*, 1913, vol. 21, no. 157, p. 20.

<sup>48</sup> Report of the British Delegation, in *Accounts and Papers*, 1914, vol. 71.

<sup>49</sup> Cf. *supra*, ch. IV, and *infra*, ch. VI, pp. 94-101.

of the Netherlands at The Hague, on June 15, 1914. The Conference was composed of representatives from thirty different countries and held its sessions from June 15 to June 25, 1914. Much headway was made towards ratification. The United States, Belgium, China, Denmark, Guatemala, Italy, Portugal, Siam, Sweden, Venezuela, Honduras ratified, and Great Britain, Japan, the Netherlands, Persia were ready to ratify.

The Powers that were prepared to ratify, subject to the consent of their Parliaments, were Argentina, Brazil, Chile, Ecuador, Spain, Hayti, Luxemburg, Mexico, Costa Rica, France.<sup>50</sup> The Powers that had not yet announced their intention to ratify were Germany, the Dominican, Montenegro, Roumania, Russia,<sup>51</sup> Salvador, Switzerland, Uruguay, Bolivia, Bulgaria, Colombia, Cuba, Peru, Nicaragua, Norway, Panama, Paraguay, Greece. Austria-Hungary announced her intention to ratify the Convention. The Powers that had refused to sign were Turkey, for economic reasons; and Servia, who announced that she had not been able to study the opium question sufficiently.<sup>52</sup>

Among the Powers who had refused or hesitated to ratify the Convention, Great Britain, Turkey, Bolivia, and Peru merited special attention in view of the fact that British India and Turkey produced large quantities of opium, while the latter two countries raised cocaine which had already become a subject of serious discussion and prohibition. With these important countries staying out of the Convention, it would be well-nigh impossible to carry out its object, as Sir Edward Grey pointed out.<sup>53</sup> The true reasons for the refusal on the part of certain powers to ratify may be found in the

<sup>50</sup> With reservation as to Indo-China and India.

<sup>51</sup> Russia intimated that she would ratify the Convention as soon as its application became sufficiently general to be effective.

<sup>52</sup> Report of the British Delegation, in *Accounts and Papers*, 1914-1916, vol. 83, pp. 11, 12.

<sup>53</sup> Cf. *supra*, note 44.

observation of M. Marcellin Pellet, French delegate to the Third Conference, who is credited with expressing the view that to put the Convention into force without adhesion of all the Powers would create a commercial monopoly highly remunerative to the non-adherent states.<sup>54</sup>

As the Conference was convoked to examine the possibility of putting the Convention into force, so it had to grapple with the delicate question whether it would be possible to carry the Convention into effect with adhesion of all the Powers invited. Of the thirty Powers represented at the Conference, twenty-five voted for the question in the affirmative, Germany and Portugal being the only Powers against it.<sup>55</sup> Accordingly, the Conference expressed the opinion that it is possible to bring the Convention into force notwithstanding the fact that certain Powers had not yet signed it. The Conference expressed the further opinions that the Convention should come into force as provided for by article 24 of said Convention;<sup>56</sup> that on and after December 31, 1914, Powers that have signed and ratified it shall bring it into force;<sup>57</sup> that any Power might adhere to it. The Conference decided to open at The Hague a protocol in which any Power may declare its intention of putting the Convention into force. It also passed by unanimous vote a resolution to the effect that the Minister for Foreign Affairs of the Netherlands Government should be requested to make, in the name of the Conference, "an urgent and respectful" representation to the signatory Powers to ratify the Convention.<sup>58</sup>

Before the adjournment of the Third International Opium Conference, only eleven Powers, including China and the United States, ratified the International Opium Convention

<sup>54</sup> *Accounts and Papers*, 1914-1916, vol. 83, p. 4.

<sup>55</sup> *Accounts and Papers*, 1914-1916, vol. 83, p. 8.

<sup>56</sup> See, *supra*, notes 39, 40.

<sup>57</sup> The Powers shall do so without awaiting ratification from other Powers.

<sup>58</sup> *Accounts and Papers*, 1914-1916, vol. 83, p. 16.



without reservation. But subsequently, seven more Powers joined, viz., Great Britain, the Netherlands, Norway, Brazil, Nicaragua, Ecuador, Uruguay.<sup>59</sup> If it were not for the fact that the outbreak of the world war rendered international co-operation impossible, a majority, if not all, of the Powers would probably have ratified the Convention. The Powers that signed the special protocol<sup>60</sup> at The Hague were, the United States, China, the Netherlands, Norway, Honduras. As to Great Britain, Lord R. Cecil, Secretary of State for Foreign Affairs, announced in the House of Commons, on October 24, 1918, that "His Majesty's Government are still considering the question of putting into force some or all of the articles of the International Opium Convention without waiting for its ratification by all the Signatory Powers".<sup>61</sup>

Of the Powers that ratified the Convention only two carried out their pledges to the letter. These are the United States and China. On December 17, 1914, Congress passed the so-called Harrison Act which brings under governmental control all persons engaged in the manufacture, distribution, sale, importation or exportation of opium, coca leaves, or any compound or salt or derivatives thereof.<sup>62</sup> In China the anti-opium campaign produced satisfactory results in spite of political chaos.<sup>63</sup> Judging from the Harrison Act and the subsequent regulations issued by the Treasury Department, it is safe to say that the United States proved to be the true leader in the international crusade. As to Great Britain, it may be questioned whether the war of 1914 was wholly responsible for her delay in considering the question of putting into force the Convention which she had ratified. As the Government of India has been and still is expanding the area

<sup>59</sup> Lord Robert Cecil is the authority for this statement. See *Parliamentary Debates, Commons*, 1918, vol. 110, pp. 893, 894.

<sup>60</sup> See, *supra*, p. 86.

<sup>61</sup> *Parliamentary Debates, Commons*, 1918, vol. 110, p. 894.

<sup>62</sup> See, *infra*, p. 98 ff.

<sup>63</sup> See, *infra*, ch. VII.

under poppy cultivation in India,<sup>64</sup> it may be doubted whether Great Britain would in the near future contemplate measures to prohibit the traffic in Indian opium.

From a practical point of view, the results of the international movement led by the United States are disappointing, since even among the Powers that ratified the Convention, only two, China and the United States, faithfully put it in force. Turkey and Persia have not ratified it. In Great Britain it is a dead letter, for the British Government took no measures to carry it into effect. The international movement, however, accomplished one thing, namely, the crystalization of a powerful public opinion against the nefarious traffic. The International Opium Convention was signed or adhered to by practically all the civilized nations of the world and represents a unanimous opinion against the opium trade. Had such an international movement taken place before the Opium War, England would not have dared to force the opium traffic upon any nation.

<sup>64</sup> Cf. *infra*, p. 106.

## CHAPTER VI

### THE OPIUM PROBLEM IN OTHER COUNTRIES

In view of the international anti-opium campaign begun in 1909, it might be supposed that opium is an acute problem the world over. But this is not so. Opium is not a problem in the European countries; its abuse so deleterious to the welfare of mankind has been and is confined largely to the Asiatic peoples. In Austria-Hungary, Germany, France, Portugal, Japan, Russia, Siam, and some of the self-governing colonies of England (New Zealand and South Africa), the poppy is not grown for opium but for other purposes. In the case of France, Germany, Austria-Hungary, and Switzerland, opium was brought from Turkey in the crude form for medicinal purposes only, and the importation and use of such opium were strictly confined to legitimate purposes by the laws of the respective countries.<sup>1</sup>

The importation and manufacture of smoking opium is a governmental monopoly in French Indo-China, Japan, Siam, and the Dutch East Indian possessions.<sup>2</sup> For the purpose of regulating the opium traffic, the French Government introduced in 1873 the so-called Farm system into Indo-China.<sup>3</sup> Under this system the farmer has the exclusive right to transport, to prepare, and to sell opium in all parts of Indo-China. The personnel of the Farm is composed of French as well as native agents, both selected or appointed by the Government. For the purpose of selling opium the farmer may establish opium shops or opium divans himself, or delegate the right to such persons as he sees fit. In the latter case, the propri-

<sup>1</sup> *Senate Documents*, 1913, vol. 21, no. 157, pp. 27-34.

<sup>2</sup> Cf. *Senate Documents*, 1913, vol. 21, no. 157, pp. 32, 33, 34.

<sup>3</sup> See, *Arrêté du 13 septembre 1873*, portant règlement sur le commerce de l'opium. Saigon, Imprimerie du Gouvernement, 1878.

etors of the opium shops or opium divans must pay to the farmer a license fee to be determined by him. The proprietors are also required to obtain from the Police Department a license to engage in the opium business.<sup>4</sup> Agents and employees of the farmer are required to make investigations or inspections regarding the manufacture, sale and possession of opium in order to see that the provisions of the ordinance are strictly enforced. Violations of the ordinance are prosecuted in a court of justice at the farmer's request.<sup>5</sup>

The farmer of course has to pay to the Government a certain sum for the exclusive right he enjoys. The whole idea underlying the Farm System is that with the coöperation and assistance of private individuals the Government can easily collect the revenue on opium and prevent smuggling. The farmer is usually a private individual, and his profits are derived from the sale of opium. If any smuggling is carried on, his profits would be reduced to that extent; and it is for this reason that the farmer is only too willing to aid the Government in preventing smuggling.<sup>5a</sup> The French Farm system so beneficial to the Government has been introduced into many of the English Crown Colonies such as Hong Kong and the Straits Settlements.

In Japan proper opium presents no problem, but in Formosa the drug has debauched a large percentage of the population, and it is reported that the Japanese authorities in that

<sup>4</sup> Cf. Chapitre Ier et Chapitre II of the said Arrêté which is still in force, although amended in many minor details by subsequent arrêtés.

<sup>5</sup> Chapitre V.

<sup>5a</sup> Here a pertinent question may be asked, Why might not the farmer make money by himself smuggling, or conspiring with others to smuggle, thus increasing the profits of selling? The answer is that the farmer can make only legitimate profits. If he desires to make excessive profits by smuggling, then his profits are illegal and liable to forfeiture. Moreover, the farmer does not have to resort to smuggling in order to realize a higher profit; he can, for instance, raise the price of the monopolized article. The farmer is usually under Government supervision, and it is therefore difficult for him to smuggle or conspire with others to smuggle.

colony have taken appropriate measures to restrict the use of the drug.<sup>6</sup> Under the law of March 30, 30th year of Meiji (1897), the traffic in opium is in Japan herself a governmental monopoly.<sup>7</sup> According to this law, any person desiring to manufacture opium must obtain an express permit from the Government, and he is required to deliver at a definite time to the Government all the prepared opium, for which the Government will pay a certain compensation. The manufacturer is required to prepare the opium in accordance with the standard set by the Government. After the receipt of the prepared opium from the manufacturer, the Government seals it and sells it to a limited number of wholesale dealers for medical purposes only. These wholesale dealers, who are selected by the Government, are authorized to sell or distribute the sealed opium to retailers under the conditions laid down in the law.

In the United States of America, opium was not a problem until recently. The tariff act passed by Congress in 1860 legalized opium as a legitimate article of commerce. The importations of opium into the United States amounted to 596,037 pounds in 1907, to 468,039 pounds in 1908, and to 584,284 pounds in 1909. Although a large percentage of these imports was consumed by Chinese, it is presumed that the rest must have been used by Americans.<sup>8</sup> According to Dr. Hamilton Wright's Report, 1910, the United States collected in customs duties, from 1860 to April 1, 1909, nearly \$27,000,000 from the legalized importation of that vicious form of opium known as smoking opium. Dr. Hamilton Wright stated that "the use of this drug within the United States had caused an economic and moral degradation which could not be accurately computed".<sup>9</sup>

<sup>6</sup> Cf. *Senate Documents*, 1905-1906, vol. 6, no. 265, see under Formosa.

<sup>7</sup> Report of the Philippine Opium Committee, *Senate Documents*, 1905-1906, vol. 6, no. 265, p. 215. The full text of the law together with the regulations may be found on page 215 *et s.*

<sup>8</sup> See, *supra*, p. 74.

<sup>9</sup> Hamilton Wright's Report, 1911, *Senate Documents*, 1911-1912, vol. 39, no. 733, p. 29.

One may be startled to find that the poppy from which opium can be obtained is extensively cultivated in many parts of the United States, especially in the State of California; but it is cultivated not for opium but for the seeds which are used as food by the Syrian population and from which light oil may be manufactured for the making of artists' colors. That the preparation of opium from the poppy cultivated within its territory would be extensively undertaken in the United States seemed to Dr. Hamilton Wright to be unlikely, as opium can be prepared much more cheaply in other countries, such as Turkey and Persia.<sup>10</sup> It may be added that in the United States public opinion against the misuse of the drug is so strong that no one would dare openly to grow the poppy for opium.

Nevertheless, the opium problem has recently become more and more acute in the United States. In March, 1918, Mr. McAdoo, Secretary of the Treasury, appointed a special committee to investigate the traffic in narcotic drugs. As a result of the investigations of the committee, startling facts are brought out, (1) that there is a steady increase in drug addiction in the large cities, especially in New York, Chicago, Philadelphia, and San Francisco; (2) that the smuggling of narcotic drugs, including opium, is extensively carried on on the Atlantic and Pacific Coasts; (3) that the average dose used in the United States is considerably larger than in any other country of the world.<sup>11</sup>

The number of drug addicts was estimated by the committee at more than 1,000,000 in the United States. The committee expressed the opinion that the number of addicts will increase under prohibition of alcoholic beverages. According to the returns of the manufacturers of drugs, large quantities of narcotics were used by them: opium, 118,282 pounds; morphia and derivatives, 316,130 ounces; heroin, 13,039

<sup>10</sup> Hamilton Wright's Report, 1910, *Senate Documents*, 1909-1910, vol. 58, no. 377, p. 35.

<sup>11</sup> Cf. the report of the committee which was published by the Treasury Department, June 12, 1919.

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ounces; diacetyl morphia, 23,859 ounces; cocaine and derivatives, 414,255 ounces. In the year of 1918, 18,299,397 prescriptions were issued by physicians. The so-called "dope peddlers" have an effective national organization to carry on smuggling, and this smuggling traffic is probably equal to the legitimate traffic. The annual import of coca leaves amounts approximately to 150,000 ounces — an amount that is sufficient to furnish every man, woman and child with two and a half doses. Seventy-five per cent. of the import has been used for illicit purposes.

The average dose of opium is one grain. The amount of opium consumed in the United States per annum is sufficient to furnish 36 doses for every man, woman and child. The per capita annual consumption of the drug in the United States is considerably higher than in other countries as is shown by the following table.<sup>12</sup>

PER CAPITA ANNUAL CONSUMPTION

COUNTRY	ANNUAL QUANTITY OF OPIUM IMPORTED	ANNUAL CONSUMPTION PER CAPITA
United States	470,000 pounds	36 grains
Germany	17,000 "	2 "
France	17,000 "	3 "
Italy	1,000 "	1 "
Portugal	2,000 "	2½ "
Holland	3,000 "	3½ "
Austria-Hungary	3000 to 4000 lbs.	½ to ⅔ grain

In New York City the illicit use of narcotic drugs, including opium, constitutes at the present time a great menace. The municipal authorities are active, but little has been accomplished in the way of preventing the spread of the evil. In regard to the local drug situation Dr. Royal S. Copeland, Commissioner of Health of the city, says:

"You will find them [drug addicts] among lawyers, judges, doctors, in fact, in every layer of society. In the underworld of New York you will find 10,000 drug addicts, and every

<sup>12</sup> The table is an abstract of the report of the Committee, op. cit.

crime of violence committed you may know has been perpetrated by one of them. It is safe to say that in all New York one person in thirty is a victim."<sup>13</sup>

In the course of a month one drug store sold 500 ounces of cocaine — an amount quite sufficient to debauch 2,500 people. Unscrupulous physicians wrote from 100 to 200 prescriptions a day at the rate of 25 cents a prescription. In February, 1919, the sales of narcotic drugs grew to such an extent that the wholesale dealers were obliged to limit the retailers in the quantity that could be supplied.<sup>14</sup>

It is thus clear that the laws which Congress has successively passed to deal with the problem in the United States are very inadequate for the prevention or mitigation of the evils arising from the use of opium. The vital mistake made by Congress, in legalizing the opium traffic by the tariff act of 1860, has been corrected only to a certain extent. The Act of February 23, 1887, which prohibited subjects of the Emperor of China from importing opium into the United States,<sup>15</sup> under penalty of a fine of from \$50 to \$5,000 and forfeiture of the merchandise,<sup>16</sup> also forbade under like penalty citizens of the United States to traffic in opium with China;<sup>17</sup> but as this Act was passed merely to carry into effect the treaty concluded with China in 1880, the prohibition was effective only as between the two countries, and opium could still be imported into the United States from other quarters.

The determined effort of China in 1906 to destroy the opium evil, root and branch, no doubt exercised a certain influence upon such a moral nation as the United States, where the like evil had become so strikingly manifest. Congress passed an act in 1909 to prohibit except for medicinal purposes the importation into the United States of opium in any

<sup>13</sup> *The New York Times*, March 31, 1919, p. 8, column 3.

<sup>14</sup> *ibid.*

<sup>15</sup> Act of February 23, 1887, ch. 210, 24 Stat. L. 409, Section 1.

<sup>16</sup> *ibid.*, Section 2.

<sup>17</sup> *ibid.*, Section 3.



form or any preparation or derivative thereof.<sup>18</sup> It was doubted whether Congress had power to prohibit the importation of opium into the United States, but in a decision of 1915 the Supreme Court of the United States said that the question of constitutionality in such a case was frivolous.<sup>19</sup> Congress has power, according to the opinion of the Court, to prohibit opium under the authority to regulate commerce with foreign nations.<sup>20</sup>

If any person shall illegally import or assist in importing opium or its derivatives into the United States, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or its derivatives after importation, "knowing the same to have been imported contrary to law", he is punishable by a fine of from \$50 to \$5,000, or by imprisonment not exceeding two years, or by both, and the opium illegally imported is to be forfeited and destroyed. Possession of such opium is deemed sufficient evidence for conviction, unless the contrary can be proved to the satisfaction of the proper authorities.<sup>21</sup> In the opinion of the Attorney-General, this provision authorizes the summary destruction, without judicial proceedings, of opium imported into the United States contrary to the law.<sup>22</sup>

No smoking opium is to be admitted into the United States or the territory under its jurisdiction, nor may such opium be transferred from one vessel to another in the territorial waters of the United States for immediate exportation or any other purpose.<sup>23</sup>

The Act of Congress of 1909 prohibited not only the importation of opium into the United States but also its exportation

<sup>18</sup> Act of February 9, 1909, ch. 100, 35 Stat. L. 614 ff, Section 1.

<sup>19</sup> Cf. *Brolan v. U. S.* (1915), 236 U. S. 216.

<sup>20</sup> See *Steinfeldt v. U. S.* (1915), 219 *Federal Reporter* 879.

<sup>21</sup> Act of February 9, 1909, Section 2.

<sup>22</sup> 29 (1912) *Opinions of Attorney-General* 603.

<sup>23</sup> Act of February 9, 1909, Section 5.

to other countries. Citizens of the United States were forbidden to export from the United States or territories under its jurisdiction, or from countries where the United States exercises extra-territorial jurisdiction, any opium or its derivatives to any other country except such countries as do not prohibit but regulate its entry. Under no condition can prepared opium be exported from the United States or its territories or possessions.<sup>24</sup> Offenders are punishable by a fine of from \$50 to \$5,000, or by imprisonment not exceeding two years, or by both.<sup>25</sup> Persons giving information leading to the discovery of violations may be rewarded with half of the fine at the discretion of the court.<sup>26</sup> Vessels arriving at American ports are liable to forfeiture if opium is found on board.<sup>27</sup>

To sum up, the Act of February 9, 1909, prohibits the importation of opium into the United States except for medicinal purposes and its exportation from the United States except to countries where no ban is placed upon its entry. In the case of smoking opium, the Act prohibits its importation and exportation absolutely. All persons are forbidden to transport or conceal or deal in the illegally imported opium. But none of the provisions of the Act prohibits the use of opium for smoking purpose.

On January 17, 1914, Congress passed an Act imposing an internal-revenue tax of \$300 per pound upon all opium manufactured in the United States for smoking purposes.<sup>28</sup> The Act confines the right to engage in such manufacture to citizens of the United States. To exercise this right all applicants must give bond to the Commissioner of Internal Revenue. Every person who prepares opium for smoking purposes from crude opium, or from any preparation thereof,

<sup>24</sup> Act of February 9, 1909, Section 4.

<sup>25</sup> *ibid.*, Section 7.

<sup>26</sup> *ibid.*, Section 7.

<sup>27</sup> *ibid.*, Section 8.

<sup>28</sup> Act of January 17, 1914, ch. 10, 38 Stat. L. 277 ff.

or from the residue of smoked or partially smoked opium is regarded as a manufacturer of opium.<sup>29</sup> But merely adding water to an extract of opium which is itself suitable for smoking is not a manufacture of opium within the meaning of the Act.<sup>30</sup>

Every manufacturer is obliged to file with the collector of internal revenue of the district in which his factory is located such notices, inventories, and bonds, to keep such books and render such returns of material and products, and to conduct his business under such surveillance of officers and agents of the Government as the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, may by regulation require. A bond, accompanied with satisfactory sureties, of not less than \$100,000 is required of all manufacturers of opium, and the sum of the bond may be increased from time to time and additional sureties required should the Commissioner so order.<sup>31</sup> But the Commissioner of Internal Revenue has no power to require bonds of aliens who may engage in the manufacture of opium in the United States. The court says in part: "As the statute of January 17, 1914, restricted the right of manufacture of opium for smoking purposes to citizens of the United States the Commissioner of Internal Revenue can not require a bond of aliens".<sup>32</sup>

Under this Act, the possession of opium materials and opium utensils is strong evidence that there is an intention on the part of the possessor to supply himself with opium.<sup>33</sup> To constitute an offense under the Act the Commissioner of Internal Revenue must show the existence of the regulations prior to the commission of the offence.<sup>34</sup>

<sup>29</sup> *ibid*, Section 1.

<sup>30</sup> *Seidler v. U. S.* (1915), 228 *Federal Reporter* 336.

<sup>31</sup> Act of January 17, 1914, Section 2.

<sup>32</sup> *Lee Mow Lin v. U. S.* (1917), 240 *Federal Reporter* 408.

<sup>33</sup> *Tan Shi Jan v. U. S.* (1915), 224 *Federal Reporter* 422.

<sup>34</sup> *Chin Sing v. U. S.* (1915), 227 *Federal Reporter* 397.

Apparently, the Act of January 17, 1914, was primarily intended to regulate the manufacture of smoking opium in the United States. With this purpose in view it sets forth the conditions under which the right to manufacture such opium may be exercised. But it seems preposterous to prohibit the importation of smoking opium from without while permitting its manufacture within, if the prohibition is based upon the fact that the smoking of opium is a great debauching evil, causing moral and physical degradation. The business ought to have been prohibited under all circumstances.

The Act of 1909 forbade importation except for medicinal purposes as well as exportation, saying nothing about the governmental control to be exercised over the traffic. The Act of January 17, 1914, being solely intended to regulate the manufacture of smoking opium in the United States, is likewise silent on this point. But by Act of December 17, 1914, generally known as the Harrison Act, the importation and distribution of opium are brought under strict governmental control.<sup>35</sup>

Under the Harrison Act every person who produces, imports, manufactures, deals in, dispenses, or gives away opium or coca leaves, or any compound or salt or derivative thereof, must register with the collector of internal revenue of the district in which his office or factory is located. At the time of such registry, and on or before July 1 in each year, he is required to pay to the collector of internal revenue a special tax of \$1.00 (one dollar) per annum. The word person as here used includes corporations as well as natural persons.<sup>36</sup> The employees of the persons so registered are not required to register. But registration is required of members of a corporation or firm who conduct the business separately.<sup>37</sup>

<sup>35</sup> The text of the Act may be found in Ch. 1, 38 Stat. L. 785.

<sup>36</sup> Act of December 17, 1914, Section 1.

<sup>37</sup> *Internal Revenue Regulations, No. 35*, revised May 4, 1916. These Regulations were issued by the Commissioner of Internal Revenue under the direction of the Secretary of the Treasury.

Government officers, Federal, State or Municipal, or any other public officers in territories under the jurisdiction of the United States, who are engaged in making purchases of narcotic drugs for the Navy or Army, the Public Health Service, Government hospitals and prisons are not required to register.<sup>38</sup> Registration is, however, required in cases where the exempted Government officers are engaged in a private business or the practice of a profession in which the drugs are sold or distributed.<sup>40</sup> Mere consumers of the regulated drugs and possession of the same for their own use do not come within the purview of the Act.<sup>41</sup>

The Harrison Act not only requires registration of all persons engaged in the traffic in narcotic drugs including opium but brings the distribution of such drugs under strict governmental control. Under the Act no one can sell the regulated drugs except on a written order from the person to whom the drug is sold, the forms of order to be issued in blank by the Commissioner of Internal Revenue. The vendor must keep the order and the buyer the duplicate order for two years in such a way as to be easily accessible to inspection by the proper Government officers.

The Act, however, makes a few exceptions to this rule. The written order may be dispensed with: (1) when the distribution of the drugs is made by a physician or a dentist or a veterinary surgeon properly registered; (2) when the sale is made by a dealer to a consumer on a duly signed prescription from a physician or a dentist or veterinary surgeon, but the physician or dentist or veterinary surgeon must keep a record of the drugs sold or distributed for two years for Government inspection; (3) when the sale is made to foreign countries under such regulations as the importing countries may see fit to prescribe; (4) when the drugs are purchased by public officers for the use of the Government.<sup>42</sup> Under the

<sup>38</sup> Harrison Act, Section 1.

<sup>40</sup> *Internal Revenue Regulations*, No. 35, article 1.

<sup>41</sup> *U. S. v. Woods*, 224 *Federal Reporter* 278.

<sup>42</sup> Harrison Act, Section 2.

regulations issued by the Commissioner of Internal Revenue, court officers, in selling narcotic drugs under judicial proceedings, must prepare a complete inventory of such drugs and make the sales in accordance with the rules governing the ordinary distribution.<sup>43</sup>

The order-forms for procuring the drugs are prepared by the Commissioner of Internal Revenue and are sold by collectors of internal revenue at the rate of one dollar per hundred *only* to persons duly registered and having paid the special tax. Such order-forms are not transferable from one person to another.<sup>44</sup> Prescriptions containing an unreasonably large quantity of any of the drugs in question constitute a violation of the Act.<sup>45</sup> Opium, coca leaves and other narcotic drugs may be purchased for stocking medicine chests and dispensaries maintained on board ocean-bound vessels and vessels engaged in trade between ports of the United States, and on vessels belonging to the various Departments of the United States Government, upon the approval of commissioned medical officers and acting assistant surgeons of the United States Public Health Service. If a duly registered physician is employed on board a vessel, the necessary medical supply may be purchased only upon his order.<sup>46</sup>

In supervising the traffic in narcotic drugs the first step of the Government is to control the persons engaged in the traffic. To this end registration is required of all such persons. The second step is to control the sale and distribution of the drugs with a view to confining them to legitimate purposes. The Harrison Act, therefore, requires that all purchases of the drugs shall be preceded by a written order of the purchaser or by a prescription, and that only duly registered persons and persons having paid the special tax can obtain the necessary supply, except persons under a physician's care.

<sup>43</sup> *Internal Revenue Regulations*, No. 35, article 5.

<sup>44</sup> *Harrison Act*, Section 2.

<sup>45</sup> *U. S. v. Curtis* (1916), 229 *Federal Reporter* 288.

<sup>46</sup> *Internal Revenue Regulations*, No. 35, p. 18.

The third step of the Government is to see that the law is strictly enforced. For this purpose the Harrison Act requires that all dealers in the drugs shall within three months render to collectors correct and true returns as to the quantity received, and that all prescriptions, duplicate order-forms, and returns filed with the collectors of internal revenue shall be inspected by agents of the Treasury Department, or State and municipal officers, or any other public officers charged with the enforcement of the ordinances regulating the sale and distribution of the drugs. Certified copies of the returns must be furnished by collectors of internal revenue to the inspection officers on request.<sup>47</sup>

The Harrison Act does not apply to decocainized coca leaves, preparations containing not more than two grains of opium nor more than one-fourth of a grain of morphia, nor more than one-eighth of a grain of heroin, nor more than one grain of codeine, provided that such preparations are sold as medicines and not for the purpose of evading the Act.<sup>48</sup>

The Harrison Act went into effect on March 1, 1915. All unregistered persons are forbidden to traffic in narcotic drugs and to have any of these drugs in their possession or under their control,<sup>49</sup> Such possession or control constitutes presumptive evidence that the law is violated in that respect, unless the contrary can be proved beyond all doubt.<sup>50</sup> Persons violating any provision of the Act are liable to a fine of not more than \$2,000, or imprisonment not exceeding two years, or both.<sup>51</sup>

Congress appropriated \$150,000 to enforce the Harrison Act, but in view of the operations of the Act and the results it has achieved, it seems safe to say that the Act is inadequate and defective in many respects. In the first place, the Act

<sup>47</sup> Harrison Act, sections 3 and 5.

<sup>48</sup> *ibid*, section 6.

<sup>49</sup> *ibid*, sections 4 and 8.

<sup>50</sup> *ibid*, section 8.

<sup>51</sup> *ibid*, section 11.

failed to curtail the use of narcotic drugs for illicit purposes.<sup>51a</sup> In the second place, it does not make any provision for the limitation of the amount of the drugs to be sold to individuals in need of them. In the third place, provision should be made for concerted action of the Federal and municipal authorities in supervising sales of the drugs to individuals. The abuse arises from the retail sale by drug stores or other selling agents. It is thus obvious that elaborate and strict administrative measures should be immediately devised to strike the evil in the distribution by drug stores or other retailers. At the same time restrictions should be placed upon the output of the drugs which are manufactured in the United States.

Section 2 of the Harrison Act has already imposed restrictions upon the distribution of the drugs. Whether Congress can enact further legislation in this direction is a delicate constitutional question. Under the power to regulate foreign commerce, Congress can of course prohibit the importation and exportation of opium. As a means of securing the effective enforcement of a prohibition against importation, Congress could probably provide for the seizure of all opium which had entered the country unlawfully.<sup>52</sup> But Congress can not regulate the distribution and sale within the state unless in connection with some other matters over which it has full power. The Supreme Court of the United States sustained the Harrison Act as a Federal revenue measure. As to the constitutionality of that part of the Act which restricts the distribution and sale of the drugs, the Court says:

“If the legislation enacted has some reasonable relation to the exercise of the taxing authority conferred by the Constitution, it can not be invalidated because of the supposed motives which induced it. . . .

“The act may not be declared unconstitutional because its effect may be to accomplish another purpose as well as the

<sup>51a</sup> See, *supra*, p. 93.

<sup>52</sup> *McDermott v. Wisconsin*, 228 U. S. 115, *Brolan v. United States*, 236 U. S. 216.



raising of revenue. If the legislation is within the taxing authority of Congress — that is sufficient to sustain it. . .

<sup>52a</sup>

The reasoning of the Court appears to be very weak. Should its opinion be carried to a logical conclusion, then Congress can control many things reserved to the state by levying a tax upon them. Furthermore, it can not be said that the written order as required by the Harrison Act is necessary for the raising of revenue. It is therefore clear that the relation of the written order to the exercise of the taxing authority is very remote, to say the least.

The taxing authority of Congress may in fact be exercised for two main purposes: either to raise revenue or to destroy undesirable industry or to shut out articles of foreign produce. While Congress can freely exercise its taxing power for the former purpose, there is, however, a difference of opinion as to whether restrictions should be placed upon the exercise of its taxing authority for the latter purpose. The Supreme Court of the United States has rendered a number of decisions to the effect that the taxing power of Congress may be exercised to procure uniformity in the legislative treatment of certain problems for which local state action has not sufficed.<sup>52b</sup>

It seems that centralized and concerted action is necessary for a successful nation-wide campaign against opium. While local state action is undoubtedly inadequate, it seems that the Federal Government ought to have a free hand in combating the spread of the opium evil, with of course the assistance of municipal authorities. Although it may be objected from the point of constitutional law that Congress should not en-

<sup>52a</sup> U. S. v. Doremus, 1919, 39 Supreme Court Reporter 214. The Court reached the decision by a vote of 5 to 4. Mr. Justice Day delivered the opinion of the Court. Chief Justice White dissented on the ground that the Harrison Act is an attempt by Congress to exercise a power reserved to the state, namely, the police power. In this dissent concur McKenna, Van Devanter, McReynolds J. J.

<sup>52b</sup> See *Columbia Law Review*, 1919, p. 463. Contra, *Harvard Law Review*, 1919, p. 846 ff.

croach upon the police power of the state, there is, however, reason to believe that the Supreme Court of the United States may find one ground or another to sustain further congressional legislation on the opium evil in view of the fact that local state action is inadequate.<sup>52c</sup>

Opium is not regarded as a problem in British India. The Government of India makes no attempt to suppress either its production or its preparation by the natives. On account of the large revenue derived from the opium traffic with other countries, the Government of India has been and still is encouraging the cultivation of the poppy and the preparation of opium in that country. In the year 1917-1918 the Government of India raised a net revenue of £1,971,516 from the opium traffic.<sup>53</sup> The principal heads of Indian revenue are land, opium, salt, stamps, excise, customs, income tax, opium contributing about 3% of the total revenue.<sup>54</sup> Should the import of opium be prohibited by all other countries, the Government of India would lose probably 3,000,000 pounds sterling a year.<sup>54a</sup> Except under such circumstances the opium question apparently would not embarrass the Government of India.

The opium trade in India is a Government monopoly. Under the opium act of 1857 all cultivators must secure a license from the Government, and cultivation without the required license is illegal.<sup>55</sup> Landholders, police and other officers charged with the execution of the Act are required to

<sup>52c</sup> For further discussion on the subject, see 18 *Columbia Law Review* 459; 32 *Harvard Law Review* 846; 28 *Yale Law Journal* 599.

<sup>53</sup> *Finance and Revenue Accounts of the Government of India, 1917-1918*, pp. 40-41.

<sup>54</sup> Cf. *The Indian Year Book*, 1919, p. 184. Besides the principal heads of revenue there is a large source not so designated which contributes almost 20% of the total revenue. This is the receipts from railways.

<sup>54a</sup> See *The Indian Year Book*, 1919, p. 184.

<sup>55</sup> This Act is a local act of the Governor-General in Council. It may be found in *The Central Provinces Code*, 1918, pp. 23-25. Cf. section 21.

give information as to illegal cultivation.<sup>56</sup> The cultivation of opium is prohibited in British Provinces other than the United Provinces, the Punjab, and Burma. In the districts under the Government monopoly the duly licensed cultivator is granted advances to prepare the land for the crop. But he must deliver the whole of his output of crude opium at a fixed price to Government agents, by whom it is despatched to the Government factory at Ghazipur.<sup>57</sup> The possession, transport, import and export of opium are regulated by rules framed under section 5, Act I of 1878 (the Indian Opium Act).<sup>58</sup>

The opium raised in India is known under three common names, viz., Bengal opium or provision opium, excise opium, and Malwa opium. Bengal opium or provision opium is prepared for exportation to countries beyond the seas. Excise opium is intended for home consumption, while Malwa opium is raised in the Native States for export to China. Until 1914 Malwa opium was permitted to pass British territory with a pass from the Government of India, and the latter exacted a high price for the pass. But since 1913 no pass has been granted.<sup>59</sup>

The cultivation of the poppy and the manufacture of opium are under the general control of the Lieutenant Governor and the Board of Revenue of the United Provinces of Agra and Oudh, and under the immediate supervision of the Opium Agents of Ghazipur. In March, April, and May, the crude opium is delivered by the cultivators to the officers of the Opium Department, and weighed and tested by them. After each cultivator's accounts are adjusted, the balance due is paid to him. Provision opium is sold by public auction in Calcutta under the supervision of the Bengal Board of Revenue. Excise opium is distributed from the opium factory or Calcutta

<sup>56</sup> The Opium Act of 1857, sections 22, 23.

<sup>57</sup> Progress and Conditions of India, *Accounts and Papers*, 1914-1916, vol. 49, p. 42.

<sup>58</sup> *Statistics of British India*, 1918, vol. II, *Financial Statistics*, p. 159.

<sup>59</sup> Cf. Progress and Conditions of India, 1913-1914, op. cit. p. 42.

warehouse to the Government Treasuries, whence it is issued, on payment, to licensed vendors and druggists only.<sup>60</sup>

Although opium is not regarded as presenting a problem in British India, its exportation creates difficult problems for other countries where the drug can find an easy market. The nefarious trade is "morally indefensible", as the House of Commons has repeatedly declared. In spite of this the Government of India is contemplating a prospective expansion in the volume of the opium traffic. The reason underlying such expansion, in utter disregard of morality and public opinion, is too obvious. The following table shows the annual net revenue in rupees which the Government of India has collected from the sale of opium.<sup>61</sup>

NET REVENUE DERIVED FROM OPIUM

In Rupees

YEAR	NET REVENUE
1900-1901	4,97,45,509
1905-1906	5,36,45,078
1906-1907	5,62,08,550
1907-1908	5,36,33,175
1908-1909	6,97,30,504
1909-1910	6,63,67,923
1910-1911	9,41,29,574
1911-1912	7,84,77,394
1912-1913	6,78,72,944
1913-1914	91,86,578
1914-1915	1,37,71,943
1915-1916	1,15,37,741
1916-1917	3,37,14,162

In the above table it is interesting to note that in the year 1916-1917 the net revenue derived from opium was thrice greater than that in the year before on account of the inflated price of the drug. The revenue derived from opium is not in the form of an excise tax but in the form of profit which the Government reaps from the sale of opium. The Government

<sup>60</sup> See *Statistics of British India, 1911-1912*, part IV (b), p. 33.

<sup>61</sup> This table is an abstract from "*Financial Statistics*", 1918, p. 161.

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of India purchases the crude opium from the cultivator and manufactures it into smoking opium at the Government factory. After these and other necessary expenses are deducted from the proceeds of sales, the balance goes to the Government as a public revenue. Hence the higher the price of the drug the larger the governmental revenue. The following table shows how the system works and how large a revenue the Government can obtain from the sale of opium.<sup>62</sup>

NET REVENUE IN POUNDS

YEAR	1914-1915	1915-1916	1916-1917	1917-1918
Proceeds from sale of opium	1,572,218	1,913,514	3,160,005	3,191,800
Expenses	653,819	1,143,557 <sup>62a</sup>	911,577 <sup>62a</sup>	1,253,100
Net revenue	918,399	769,957	2,248,428	1,938,700

It is obvious that the Government of India can earn, at least, 50% net profit from the sale of opium. In the year 1916-1917 the Government earned a net profit of more than 200%. It goes without saying that the opium trade is too lucrative to allow the Government readily to give it up. In the budget for 1918-1919 the Government of India provided for an expansion of the area under poppy cultivation in the United Provinces.<sup>63</sup> After 1911 the area under cultivation was reduced, but with the beginning of the world war it

<sup>62</sup> This table is compiled from the data given in "*Financial Statement and Budget*", 1918-1919, p. 184. The figures for 1917-1918 differ from those given in "*Finance and Revenue Accounts*", the difference being due to the fact that the latter represent the revenue actually collected while the former represent only an estimate. See, *supra*, note 53.

<sup>62a</sup> The Indian official report does not give an account for the increase in the expense in 1915-1916 and the decrease in 1916-1917.

<sup>63</sup> Cf. "*Financial Statement*", 1918, vol. II, p. 185.

steadily increased. The following table shows the reduction as well as the increase referred to.<sup>64</sup>

AREA UNDER CULTIVATION  
(Deducting Failures)

YEAR	AREA UNDER CULTIVATION IN ACRES	QUANTITY PRODUCED IN MOUNDS
1908-09	361,832	61,803
1909-10	354,577	67,666
1910-11	362,868	44,926
1911-12	200,672	31,473
1912-13	178,263	26,813
1913-14	144,561	24,292
1914-15	164,911	28,293
1915-16	167,155	27,001
1916-17	204,186	32,124

Before 1907 the bulk of Indian opium was exported to China for smoking purposes, but after the conclusion of the two Anglo-Chinese Agreements of 1907 and 1911, respectively, the export of Indian opium to China was gradually reduced to a considerable extent. In 1917 the opium traffic was officially ended in China. Since that year no more Indian opium can legally be imported into China, but there is reason to believe

TABLE I, INDIAN OPIUM EXPORTED<sup>65</sup>  
(In Chests)

YEAR	TO HONG KONG	TO STRAITS SETTLEMENT	TO FORMOSA	TO SIAM
1910	32,113	10,403	2,794	1,246
1911	25,658	7,125	1,333	1,320
1912	23,486	4,667	2,167	1,225
1913	4,795	2,282	2,778	1,566
1914	1,371	1,000	1,678	1,970
1915	834	3,040	1,889	1,900
1916	1,000	3,948	2,291	1,300

<sup>64</sup> This table is an abstract from "Financial Statement", op. cit., pp. 164, 165. The Indian official reports give no explanation for the discrepancies in the figures.

<sup>65</sup> This table is an abstract from "Financial Statement", 1918, vol. II, pp. 170, 174.

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that a considerable quantity of Indian opium has been smuggled into the interior of China by foreigners who are privileged and immune from Chinese jurisdiction. At the present time Indian opium is exported to the Straits Settlements, Hong Kong, Indo-China, Java, Siam, Formosa, and other countries. The following tables show the amounts of Indian opium exported to the different countries.

TABLE II, INDIAN OPIUM EXPORTED\*\*  
(In Chests)

YEAR	TO ENGLAND	TO INDO-CHINA	TO OTHER COUNTRIES
1911-12	4	2,125	1,625
1912-13	15	805	2,816
1913-14	11	875	1,929
1914-15	115	2,690	3,160
1915-16	498	2,035	3,248
1916-17	199	3,440	2,366

Since 1915 the export of Indian opium to the Straits Settlements has increased steadily, and in 1918 the demand from that quarter was considerably larger than the Indian Government had calculated.<sup>68</sup> In 1914 the export to Indo-China suddenly increased by almost 2,000 chests a year.<sup>69</sup> From 1911 to 1917 the export of Indian opium to other countries increased by nearly one or two thousand chests per annum, the export prior to that year amounting to only 50 chests a year.<sup>70</sup> What the other countries are is an unraveled mystery; the Indian official report is silent on this point. No doubt a considerable quantity of the export of Indian opium has found its way into countries which have prohibited its entry. In the fiscal year of 1917-1918 British India raised 33,286 chests of opium, 22,595 of them for export and 10,691

<sup>68</sup> This table is taken from "*Financial Statement*", op. cit. pp. 168, 169.

<sup>69</sup> See "*Financial Statement*", op. cit., p. 184.

<sup>70</sup> See "*Financial Statistics*", 1918, pp. 168, 169.

<sup>70</sup> See, *ibid*, p. 169.

for home consumption.<sup>71</sup> So long as this source of the evil is permitted to grow in dimensions the Governments of other countries can not but watch closely the movements of Indian opium and organize an efficient administrative service to prevent its smuggling.

That the Indian opium traffic will not come to an end within the next few years is evident from agreements which the Government of India has just made, for a term of five years, with the Governments of Hong Kong, Straits Settlements, and the Netherlands Indies. According to these agreements (whose details are withheld from the public) the Governments of these countries are bound to take Indian opium at a fixed price.<sup>72</sup> While the International Opium Convention of 1912 requires the gradual suppression of opium within the territory of each signatory Power, the Government of India contemplates the expansion and extension of the opium traffic. From this it may be inferred that the Indian Government is reluctant to abide by the Convention.

Great Britain has two possessions in China, viz., Weihaiwei and Hong Kong. In Weihaiwei the opium problem is not of such magnitude as it is in Hong Kong. Since 1909 Indian opium has ceased to be imported into Weihaiwei, and the consumption has been greatly reduced there on account of the inflated price of the drug, the difficulty of procuring it, and the heavy penalty inflicted upon violations of the ordinance which prohibits the smoking and importation of opium.<sup>73</sup> The opium situation in Hong Kong is just the contrary. The Government of Hong Kong does not prohibit the smoking of opium within the colony nor its importation. Now Hong Kong serves as an opium dépôt whence Indian opium may be shipped to all parts of the Orient where the import of opium

<sup>71</sup> *Finance and Revenue Accounts of the Government of India, 1917-1918*, pp. 40, 41.

<sup>72</sup> See *Proceedings of the Imperial Legislative Council*, 1918, vol. 56, p. 167.

<sup>73</sup> See *Annual Reports on Weihaiwei*, 1913, pp. 13, 14; 1915, p. 8.



is not yet prohibited. The colony also serves as a smuggling center whence Indian opium may be clandestinely carried into the adjacent countries.

In Hong Kong opium is a Government monopoly. Formerly the Government leased the right to manufacture opium to private individuals known as the Farmers, but in 1914 the Government itself assumed the entire control and management of the opium business.<sup>74</sup> This step was undertaken by the Government with a view to reduce the production as well as the consumption of opium within the colony.

All opium divans were closed on March 1, 1910, and heavy penalties were imposed for illegal re-opening. The importation for sale or use within the colony, and the preparation, manufacture and sale of morphia and compounds of opium were restricted by license. Opium, morphia and compounds of opium were declared poisons under the pharmacy ordinance.<sup>75</sup> The import for purpose of export of morphia and compounds of opium was permitted on condition that they should be stored in a bonded warehouse and also that the quantities imported and exported should be put on record for Government inspection.<sup>76</sup> In the meantime, the Government forbade the export of prepared opium and dross opium by any person (including the monopolist) to China, French Indo-China, or any other country which prohibited the import of prepared or dross opium. The export of such opium to other countries was permitted under special license from the Government. Since April, 1910, the export of morphia and compounds of opium to Siam, the Dutch East Indies, French Indo-China, Japan, the United States, and the Philippine Islands has not been permitted except on production of an official certificate from the country concerned that such morphia or compounds of opium were required for medicinal purposes.<sup>77</sup>

<sup>74</sup> See *Annual Report on Hong Kong*, 1914, p. 18.

<sup>75</sup> *The China Year Book*, 1913, pp. 651, 652.

<sup>76</sup> *The China Year Book*, 1914, p. 709.

<sup>77</sup> *The China Year Book*, 1914, p. 709.

In 1912 the importation of morphia and cocaine ceased except for such quantities as were required for medicinal purposes in the colony. During the year of 1913 the Government of Hong Kong displayed much energy in making seizures of illegal exports of opium and morphia. Thus, 5,584 ounces of morphia and 1,764 ounces of cocaine, all destined for China and neighboring ports, were seized by agents of the Government. The Government made further seizures, worth 12,974 taels, of prepared opium intended for illegal export. In the same year the opium ordinance was so amended as to make it illegal for any person other than the Farmer or his licensees to be in possession of a quantity of opium exceeding five taels in value.<sup>79</sup>

The Government of Hong Kong manufactures and sells opium. The use of prepared opium in the colony is not prohibited. In the year of 1913 Great Britain concluded with the Portuguese Government an agreement limiting the import of opium into Hong Kong and Macao.<sup>80</sup> Under this agreement Hong Kong is permitted to import 540 chests per annum exclusively for the consumption of the fixed and floating population of Hong Kong and also 120 chests per annum for export, while Macao is allowed an annual import of 260 chests exclusively for the consumption of the fixed and floating population of Macao plus 240 chests for export.<sup>81</sup> The official figures given by the Government of India tend to show that Hong Kong has annually imported a quantity of opium far beyond the limit set forth in the agreement.<sup>82</sup>

It is interesting to know that a large amount of Persian opium has been imported into Hong Kong since 1910. Thus, the annual import of Persian opium amounted to 1,979 chests

<sup>79</sup> *Annual Report on Hong Kong*, 1913, p. 31.

<sup>80</sup> *Treaty Series*, 1913, No. 11. This agreement was concluded on June 14, 1913, for a term of ten years, but it may be abrogated at any time if both parties so desire.

<sup>81</sup> *The Anglo-Portuguese Treaty*, 1913, articles 2, 3, 4.

<sup>82</sup> Cf. Table I, p. 108.

in 1910; 1,774 chests in 1913; 933 chests in 1915; 641 chests in 1916.<sup>83</sup> In most cases the whole import of Persian opium was exported to London and Formosa for unknown purposes. For instance, in 1914 the import of Persian opium amounted to 670 chests, but 1,153 chests<sup>83a</sup> were exported to London or Formosa; in 1915 the import of Persian opium increased to 852 chests and 856 chests<sup>83a</sup> were exported to the same destination.<sup>84</sup> It is thus clear that Hong Kong serves as a depot for the exportation and importation of Persian opium.

The reason why so much Persian opium has been imported into and exported from Hong Kong is not far to seek. Persian opium is very prolific of morphia, for which there is a great demand in the Far Eastern countries. Since 1911 Persian opium could not be imported into China<sup>85</sup> and must, therefore, be shipped to Hong Kong for storage, waiting for an opportunity to be smuggled into China or other countries. But the Chinese Customs authorities were very active against this clandestine traffic. So the Persian stocks accumulated in Hong Kong must find an outlet to other places. Formosa can serve this purpose well. The Persian stocks which were exported to Formosa or London were undoubtedly manufactured into morphia and afterwards smuggled into China or the adjacent countries.

At the present time opium presents a very embarrassing financial problem for the Government of Hong Kong. The restrictive measures successively adopted by the Government had by 1910 curtailed the revenue to such an extent that in that year the British Government granted £9,000 to the colony to replace the loss of revenue from opium.<sup>86</sup> The Gov-

<sup>83</sup> *Financial Statistics*, 1918, p. 174.

<sup>83a</sup> The export exceeded import because it included not only the chests imported in the year but also those accumulated at Hong Kong.

<sup>84</sup> Cf. *Annual Reports on Hong Kong*, 1914, p. 13; 1915, p. 9.

<sup>85</sup> China forbade the import of Persian and Turkish opium from January 1, 1912. See *The China Year Book*, 1914, p. 696.

<sup>86</sup> *The China Year Book*, 1914, p. 709.

ernment has made attempts to raise a large revenue from other sources such as intoxicating liquors, but the new revenue so raised was not sufficient to compensate the loss of the old. It is true that not much opium has been imported into Hong Kong in recent years, but the opium stocks accumulated in the colony were still large, amounting to 2,256½ chests in 1914 and 1,303½ chests in 1915.<sup>87</sup> These stocks must find an outlet in the adjacent countries, either China or Formosa. It is, therefore, obvious that the accumulation of opium stocks in Hong Kong will cause a good deal of anxiety to the Chinese Government.

Macao is a Portuguese possession on the eastern coast of China and opposite Hong Kong. The sale and manufacture of opium in this colony are a governmental monopoly, the right of manufacture and sale being usually leased to a syndicate or corporation. Macao is credited with having manufactured a considerable quantity of opium for exportation to the United States for smoking purposes.<sup>88</sup> The opium traffic in Macao has been so lucrative that the British Government became jealous of it, resulting in the conclusion of the Anglo-Portuguese agreement of 1913 limiting the import of opium into Macao.<sup>88a</sup> In 1918 the Government of Macao leased the right of manufacturing and selling opium to a Chinese syndicate for five years, at an annual rental of \$4,673,200 gold.<sup>89</sup> A good deal of the amount fixed for local consumption (260 chests) has been exported to other countries.<sup>90</sup>

As in Hong Kong and Macao, so in the Straits Settlements, the right to manufacture and sell opium in the colony is leased by the Government to private individuals known as

<sup>87</sup> Cf. *Annual Report on Hong Kong*, 1915, p. 9.

<sup>88</sup> Hamilton Wright in *Review of Reviews*, 1915, p. 465.

<sup>88a</sup> The import into Hong Kong was also limited.

<sup>89</sup> *U. S. Commerce Reports*, No. 24, p. 381.

<sup>90</sup> *ibid.*

the Farmers.<sup>91</sup> With the consent of the opium farmer, who has the exclusive right to manufacture and sell opium within his territory, the Government may, however, license other persons to engage in the retail trade. The Government reserves the right to regulate the price of opium to be sold to the public. In making the contract with the Government the farmer must furnish satisfactory securities for the fulfillment of the conditions laid down in the contract. Agitation against the use of opium has been constantly growing in the Straits Settlements. As a result of this agitation the British Government appointed in 1908 a committee to investigate the opium situation in the Colony, with special reference to the effects of the drug.

The results of the investigation by the committee are surprising.<sup>92</sup> As found by the committee the effects produced by the use of opium are not such as to require its prohibition. According to the unanimous opinion of the medical witnesses who were summoned by the committee "opium smoking in moderation is relatively harmless", and "even if the indulgence in the smoking habit be carried to excess no organic change will take place in the body, but functional evils such as constipation, disorders of the digestive organs with emaciation and loss of energy may ensue". The committee itself found by observation that for tasks requiring severe physical exertion the smoker was not the equal of the non-smoker, but in the case of skilled labor there was practically no difference between the smoker and the non-smoker. Furthermore, the committee found that the wage-earning capacity of moderate smokers and non-smokers was the same.<sup>93</sup> As to the moral effects of opium, the committee shared the opinion that opium was causative of petty theft but scoffed at the idea that smok-

<sup>91</sup> See the Opium Ordinance, 1894, *British State Papers*, vol. 86, pp. 419-441, as amended by the Ordinance of 1909, *Accounts and Papers*, 1909, vol. 61.

<sup>92</sup> See Report of the committee, 1909, which may be found in *Accounts and Papers*, 1909, vol. 61.

<sup>93</sup> Report of the committee, op. cit., p. 12.

ers could commit crimes of violence because they were physically incapacitated.<sup>94</sup> In view of its findings the report said that "the committee can find no reasonable grounds for advocating a policy involving prohibition of the smoking of opium".<sup>95</sup> From 1900 to 1906 the revenue derived from opium contributed more than 50% of the total revenue for the Government of the Straits Settlements.<sup>96</sup> This was perhaps the actual and only ground of the committee's favorable attitude towards the continuation of the opium evil.

Apparently, the large revenue derived from opium is the only reason that can account for the continuation by the European nations of the long condemned traffic in the Far Eastern countries. While many of the European nations have refrained from confessing the true reasons for the continuation of the trade, a Colonial Minister of France has frankly admitted that loss of revenue is the only obstacle to total prohibition.<sup>97</sup> At present Hong Kong, Macao and Indo-China, all neighbors of China, are still open to the opium trade. Unless the trade is discontinued in these countries, and poppy cultivation prohibited in India and elsewhere, China will face extensive smuggling and possible international complications. No enlightened nation should carry on a trade which is "morally indefensible".

<sup>94</sup> *ibid*, p. 13.

<sup>95</sup> *ibid*, p. 20.

<sup>96</sup> *ibid*, p. 42.

<sup>97</sup> See *U. S. Commerce Report*, 1916, No. 269, p. 615. In his instructions to the Governor of Oceania (a French Colony) the French Minister of Colonies set forth that the importation and sale of opium might be continued on the ground that it furnished a large part of the colonial revenue.

## CHAPTER VII

### THE PRESENT OPIUM SITUATION IN CHINA (1913-1919)

Towards the end of 1913 eight provinces of China, viz., Anwhei, Chili, Hunan, Kwongsi, Manchuria, Shansi, Shantung, Szechwan, rid themselves of poppy cultivation. No doubt more provinces would have been added to the list of prohibition if it were not for the fact that in 1911 a political revolution broke out and disorganized the provincial administrative system to a considerable extent. But in spite of the difficulties brought about by the revolution the Chinese Government demonstrated its ability to deal with the opium problem satisfactorily. In 1915 Kansu (a large opium producing province) and Shing Kiang were declared free from the cultivation of the poppy.<sup>1</sup>

In the meantime, large quantities of Indian opium were imported into China under the license of the Indian Government. It should be remembered that the Indian Government decided not to export any more opium to China after 1913, but the quantities of Indian opium exported to China since that year are nevertheless large, as is shown by the following table.<sup>2</sup>

#### NET IMPORTATION OF FOREIGN OPIUM

In Piculs (1 Picul=133½ lbs.)

YEAR	MALWA	PATNA	BENARES	PERSIAN	BOILED	TOTAL
1913	10,436.67	6,249.81	1,427.72	74.81	.90	18,194.41
1914	4,488.98	1,964.73	695.81	334.45	.03	7,490.34
1915	2,262.01	1,130.18	702.02	305.07	9.06	4,408.34
1916	658.97	237.56	249.16	325.23	65.01	1,561.33
1917	553.76	175.04	119.95	179.00	45.63	1,073.38
1918		4.45		278.11	55.00	337.56

<sup>1</sup> See *U. S. Commerce Report*, 1916 (June 14).

<sup>2</sup> This table is compiled from the figures given by the Chinese Customs

In the above table it is interesting to note that Malwa opium has been imported into China since 1913 in large quantities, while the Indian official report says that since 1913 no permit has been granted for the passing of Malwa opium through British territory.<sup>3</sup> In order to reach China, Malwa opium must pass through British territory, and the Indian Government has exacted a high price for the grant of permission. But, as the Indian Government declined to grant such permission after 1913, it may be wondered how Malwa opium could have been imported into China in such large quantities. In the table it is important to note that from 1914 down to the present time the Persian product has figured largely in the imports of foreign opium. This may be attributable to the fact that Persian opium is very prolific of morphia, for which there is a great demand in China. At present the morphia business in China is more lucrative than that in opium, because morphia, being lower in price, can find a multitude of victims among the poor and laboring class. In December, 1917, four tons of crude Persian opium were seized at Shanghai by the Chinese Customs officers.

The ports through which large imports of foreign opium have been landed are Dairen or Dalny, Kiaochow, Shanghai, Swatow and Canton, the first two being under Japanese control at the present time. The net imports having passed these ports are as follows:<sup>4</sup>

	1913	1914	1915	1916	1917	1918
Dairen	66.69	332.34	305.07	298.63	179.00	278.11
Kiaochow	10.61	10.45	9.06	117.13	45.63	55.00
Shanghai	9,758.03	4,147.16	2,900.72	737.14	645.30	4.45
Swatow	2,120.57	814.77	292.70	4.38	1.99	
Canton	2,409.39	1,475.32	545.59	138.91	40.12	

authorities in their "Annual Trade Report" which is published annually by the Chinese Maritime Customs. In 1914, 6.34 piculs of Russian opium are omitted; 27.40 piculs of Taiwan opium are also omitted in 1916.

<sup>3</sup> As to this point, see, *supra*, p. 105.

<sup>4</sup> The following statistics are taken from the *Chinese Trade Reports*, 1918, p. 90. The figures represent piculs which are equivalent to 133 lbs.



Through Dairen and Kiaochoo the Japanese have smuggled large quantities of opium into Manchuria, Shantung and the Yantze Valley.<sup>4a</sup> This indicates that powerful foreign influences in China are a serious handicap to the Chinese Government in carrying on its anti-opium campaign.

It has been pointed out that from 1912 to 1913 large Indian opium stocks have been accumulated at Shanghai on account of the restrictions which the provincial governments placed upon the sale or movement of Indian opium.<sup>5</sup> The British opium merchants at Shanghai were greatly chagrined by this unfavorable condition and brought indirect pressure, through the Indian merchants, upon the Government of India for the immediate stoppage of further sales of Indian opium for the Chinese market. In compliance with the petition of the Indian merchants the Government of India decided not to sell any more opium to China in order to relieve the Indian stocks accumulated at Shanghai. But in 1912 and 1913 no less than 40,000 chests of Indian opium were imported into China, thus adding a considerable quantity to the stocks already unsalable. In the meantime, Chinese provinces were placed upon the list of prohibition one after another in accordance with the agreement of 1911. Consequently, the market for Indian opium became narrow and stagnant. At this moment the legitimate course open to the opium combine composed of British opium merchants would be to stop the importation of Indian opium and export the unsalable stocks to other places for sale. But the greedy combine never entertained such an idea but, on the contrary, decided to play a desperate game by purchasing every chest of opium as soon as it came to the market. As a result of the unscrupulous purchases for speculative purposes, some 60,000 chests of Indian opium were accumulated at Shanghai towards the end of 1914. No doubt a large amount of the accumulated stocks could be easily smuggled into the provinces where the importation was pro-

<sup>4a</sup> See, *infra*, p. 126.

<sup>5</sup> See, *supra*, pp. 67, 68.

hibited, but the bulk of the stocks would remain unsalable. Finally, the combine decided to approach the Chinese Government with the proposal that, if the Government would consent to the sale of Indian opium in the three provinces of Kwontung, Kiangsi and Kiangsu, where the importation of Indian opium was prohibited in accordance with the agreement of 1911, the combine would pay to the Chinese treasury a large sum for the privilege.

In its attempt to force the sale of the Indian stocks upon China, the opium combine argued that, as the Chinese Government had failed to prevent the extensive smuggling of opium into the three provinces above mentioned, they must therefore be re-opened to the nefarious trade. Partly because of this pressure, partly because of its inability to suppress smuggling, and partly for financial reasons, the Chinese Government finally decided to enter into an agreement with the opium combine in regard to the disposal of the remaining Indian stocks at Shanghai. Under the terms of this agreement, which was made on May 1, 1915, and was to remain in force until March 31, 1917, the Chinese Government granted to the combine the right to sell its opium in Kwontung, Kiangsi and Kiangsu, free from all interference, in return for a contribution by the combine of \$3,500 per chest. The sale of Indian opium in Kiangsi and Kiangsu was fairly successful, but not so in the province of Kwontung, where the revolution interfered with the business. Moreover, the combine was too greedy and everywhere exacted exorbitant prices; and in the end it failed to sell out all its stocks within the specified time.

The opium combine then approached the Chinese Government for an extension of time. Both the Chinese Government and the British Minister at Peking spurned the proposal, the British Government basing its refusal on the ground that, as the agreement of 1911 expired in 1917, British subjects should not traffic in Indian opium any further. Then the question of disposing of the remaining Indian stocks came to the foreground. The Chinese Government appointed General Feng

Kuo-Chang, then Vice-President of the Republic, and two other high functionaries to open negotiations with the British opium combine in regard to the disposal of the remaining stocks which amounted to 2,000 chests. On February 9, 1917, General Feng Kuo-Chang on behalf of the Chinese Government signed an agreement with the opium combine to purchase and use exclusively for medicinal purposes the Indian stocks existing on March 31, 1917, the price of such stocks as agreed to being Tls. 8,200 per chest and payment therefor to be made in 6 per cent bonds of the first year of the Republic which were secured on the land tax and stamp duty.<sup>6</sup>

This notorious opium deal provoked a storm of protest from governmental quarters as well as from the people. Both Houses of Parliament voted against it and urged the chief executive to cancel the contract. General Feng Kuo-Chang was deeply implicated in the scandal. On February 15, 1917, foreign and Chinese opium crusaders called a mass meeting at Shanghai to protest against the deal. At this meeting General Feng Kuo-Chang, when questioned, declared that His Britannic Majesty's Minister at Peking pressed hard for the sale of the remaining stocks at Shanghai. The British Minister, Sir J. Jordan, denied that His Majesty's Government had exerted such pressure;<sup>7</sup> but in spite of the protest of Parliament and of the people, the Chinese Government had to carry out its pledge, and accordingly took over the 2,000 chests of unsold Indian opium at the stipulated price, namely, Tls. 8,200 per chest. For the sale of this opium the Chinese Government established official bureaus in the different provinces, but the price set up by the Government for its monopolized opium was undercut by the smuggled opium. In the meantime, the agitation against the opium deal continued to grow, culminating in a series of resolutions passed in the latter part of 1917 by the Hankow Chamber of Commerce, which had the courage to defy the authority of the Government. In the face of such popular protest and indignation,

<sup>6</sup> For reference, see *The North China Herald*, February 17, 1917.

<sup>7</sup> See *The North China Herald*, February 17, 1917.

the Government finally yielded and decided publicly to burn, in specially constructed incinerators, all the Indian stocks for which it paid no less than \$25,000,000.<sup>8</sup> Thus closed the notorious opium deal.

To be sure, the Indian opium stocks which the Chinese Government purchased were legally imported and therefore salable legally speaking. But there was no obligation on the part of China to buy the accumulated and unsalable stocks. It should be borne in mind that the Shanghai Municipal Council closed all opium shops on March 31, 1917, and prohibited the sale of opium within the International Settlement from that date.<sup>9</sup> The accumulated stocks therefore could not be sold at Shanghai. There were, however, six Chinese provinces still open to Indian opium.<sup>10</sup> It is perhaps due to this fact that the Chinese Government decided to purchase the Indian stocks. Whatever its causes the notorious opium deal was manifestly a great blunder on the part of China. The Chinese Government should not have paid for the stocks the huge sum of \$25,000,000, and General Feng Kuo-Chang cannot be acquitted of responsibility for this blunder. The deal, however, accomplished incidentally one thing, very desirable for China, namely, the dissolution of the British opium combine which, with the support of the British Government, had embarrassed the Chinese Government for many years. For this, however, the price paid by China was too high.

The importation of Indian opium officially ceased on April 1, 1917, but up to that time six provinces were still open to the Indian opium traffic under the terms of the agreement of 1911. On March 31, 1917, the Shanghai Municipal Government revoked all licenses for opium shops and interdicted the sale of opium within the foreign settlement. In 1917 no less than 227 cases of opium offenses were brought before the

<sup>8</sup> See the trade reports of the Chinese Maritime Customs, 1918, part 1, p. 7. 1,200 chests were burned.

<sup>9</sup> *The North China Herald*, April 7, 1917. Also *Chinese Trade Reports*, 1917, vol. 3, p. 806.

<sup>10</sup> *The North China Herald*, July 14, 1917.

Shanghai Mixed Court.<sup>11</sup> On October 17, 1918, Lord Robert Cecil, Under-secretary of State for Foreign Affairs, announced in the House of Commons that the last six provinces remaining open to the introduction of Indian opium under the 1911 agreement had been examined in August of 1917 and reported free from all opium cultivation.<sup>12</sup> In order to understand how the Chinese Government accomplished this delicate and gigantic task within so short a time, it is necessary to know that for the suppression of poppy cultivation the Chinese Government adopted very drastic measures in the delinquent provinces. As indicating how relentlessly these measures were carried out, an instance may be cited where the Government troops killed some 200 people who defied authority, while the opium suppression officers executed no less than 200 offenders.<sup>13</sup> These capital punishments were not justified by the Criminal Code, but in spite of this the officers who inflicted them were not called upon to answer for exceeding the penalties imposed by law.

The Anglo-Chinese agreement of 1911 terminated on December 31, 1917. Since that date no increase has been reported in the local production of opium in China, nor has any Indian opium been imported into China under governmental licenses.<sup>14</sup> The situation looked as if China had rid herself of the opium curse forever. But a review of the reports of the Chinese Customs Commissioners will show that opium is still a knotty problem for the Chinese Government to solve. At present opium is being smuggled into China in large quantities in many directions, from the North as well as from the South. Although many nationalities are represented in this nefarious traffic, the Japanese have figured conspicuously in carrying on the surreptitious trade, which may give rise to grave international complications and affect China as seri-

<sup>11</sup> See *Returns of Trade*, 1917, vol. 3, p. 806.

<sup>12</sup> *Parliamentary Debates, Commons*, 1918, vol. 110, p. 257.

<sup>13</sup> Cf. *The North China Herald*, July 14, 1917.

<sup>14</sup> *Parliamentary Debates*, op. cit., p. 257.

ously as did the trade in the earlier part of the nineteenth century.

At Shanghai smuggled opium has been constantly detected and seized in vessels from the North and from Hong Kong. The price obtained for the illicit opium is exceedingly high. One pound of crude opium may sell for as much as a hundred and twenty dollars. In December, 1917, the Chinese Maritime Customs authorities seized at Shanghai and confiscated four tons of crude opium (mostly Persian) on a Japanese vessel from London. The opium seized was worth over one million dollars. In regard to the seizure, Mr. R. H. R. Wade, Commissioner of Customs, made the remark that the price obtained for illicit opium is so high that "so long as opium can be easily and cheaply grown without official prohibition in other countries, the enormous profits to be gained by its successful introduction into Shanghai are likely to prove too strong a temptation to be resisted by unscrupulous people".<sup>15</sup> The vessels coming from the North and from Hong Kong are no doubt Japanese and British vessels, respectively.

In the North of China opium seizures have been repeatedly made by the Chinese Customs officers. In 1917 the Chinese authorities seized 600 pounds at Harbin, Manchuria.<sup>16</sup> At Tientsin the Customs reported smuggling on a large scale.<sup>17</sup> Nothing of course need be said of the smuggling through Dairen and Tsingtao which are under the control of the Japanese Government. In 1917 the Japanese Government in Manchuria, commonly called the Kwantung Government, issued strict regulations for the control of morphia and made it an offense to import the drug without previously obtaining a license from the Government.<sup>18</sup> But evidence may be adduced to show that the Kwantung Government has no intention to enforce its regulations.<sup>19</sup>

<sup>15</sup> *Returns of Trade*, 1917, vol. 3, p. 806.

<sup>16</sup> *The North China Herald*, January 6, 1917.

<sup>17</sup> *Returns of Trade*, 1917, vol. 1, p. 270.

<sup>18</sup> *Trade Reports*, 1917, vol. 1, p. 160.

<sup>19</sup> See, *infra*, p. 127.

In the South of China the Chinese Customs officers have reported extensive smuggling. Thus the Customs authorities at Amoy (Fukien) reported that large quantities of opium were smuggled from Formosa; the bulk of which was landed on the seaboard beyond the reach of the Customs authorities. According to the same report, a large quantity of seized opium accumulated at the port since 1916 and valued at \$150,000 was publicly burned in the presence of local officers and a crowd of onlookers. And, to be sure, a large portion of the opium seized came from Persia. The report recommends that extensive and more efficient customs service be organized to detect and prevent opium-smuggling.<sup>20</sup> At Swatow (Kwontung) the Chinese Maritime Customs Commissioners reported that a good deal of opium was smuggled from Formosa to China's mainland by fishing boats and junks.<sup>21</sup> The Customs Commissioners at Canton (Kwontung) made the authentic statement that as smuggling was very lucrative to successful opium runners large quantities of opium were clandestinely imported from Hong Kong and Macao.<sup>22</sup> It is thus clear that Formosa, Hong Kong, and Macao have been and still are serving as bases for smuggling operations for the stoppage of which it is incumbent upon the Japanese, British and Portuguese Governments not only to issue stringent regulations but to carry them out to the letter. There is not an iota of doubt that the persons engaged in the smuggling enterprise are Japanese and British subjects, possibly assisted by unprincipled Chinese.

At present the contraband traffic in opium and morphia is exceedingly lucrative in China — indeed, so lucrative that it has aroused great jealousy among the foreign nationals at Shanghai. As a result, foreign newspapers in China are indulging in mutual recriminations on the subject of smuggling. The British *North China Daily News* fired the first shot.

<sup>20</sup> *Trade Reports*, 1917, vol. 4, p. 1083.

<sup>21</sup> *Trade Reports*, op. cit. p. 1112.

<sup>22</sup> *Trade Reports*, op. cit. p. 1147.

The facts exposed by this journal concerning the smuggling business are as follows:<sup>23</sup>

At the present time the Japanese are manufacturing morphia with the financial support of the Bank of Japan and with the approval and encouragement of the Japanese Government. The chief agency for distributing morphia in China is the Japanese Post Office through which morphia is imported by parcel post free from inspection by the Chinese Customs authorities. In 1918 no less than 18 tons of morphia were imported into China according to a conservative estimate.

Through Dairen and Tsingtao morphia was smuggled into the whole of North China and from Formosa morphia and opium smuggled into the Southern China by motor-driven "fishing" boats. All Japanese drug stores in China sell morphia, and in the southern part of China the drug is sold by Japanese peddlers under the extra-territorial protection. In one instance the Japanese *gendarmarie* prevented the Chinese police from raiding the opium shops.

Morphia is manufactured in well-equipped laboratories in Japan and Formosa. The bulk of Persian opium is purchased by the Japanese for conversion into morphia. At present opium is grown in Korea and Manchuria under Japanese protection. Korean opium is, as a rule, transshipped in Kobe harbor to Tsingtao, thence to the interior of China through the Tsingtao-Tsinan Railway now under Japanese control.

Between September 30 and January, 1918, more than 2,000 chests of opium purchased in India were imported into Tsingtao *via* Kobe. The Japanese authorities levy a tax of Tls. 4,000 per chest. Here a pertinent question may be asked as to why the Chinese Customs authorities at Kiaochow have had no knowledge of the large quantities of opium imported by the Japanese. The answer is that under Article 3 of the agreement of August 6, 1915, between Japan and China, any Japanese goods landed in Tsingtao under certificates of the Japanese Government are free from customs examination.

<sup>23</sup> For exact reference, see *The New York Times*, February 14, 1919, p. 6, column 1.



Thus the way is open for the Japanese to import opium in cases stamped "Military stores". Of course this can be done only with the support of the Japanese Government.

This is, in brief, the charge of the *North China Daily News* which is partly substantiated and confirmed by Chinese and American official reports.<sup>24</sup> One American official report says that the Japanese smuggled opium into Manchuria through the South Manchuria Railway station, where the Chinese authorities have no power to search the incoming passengers; that opium and morphia were almost publicly sold in Manchuria under Japanese jurisdiction; that morphia has ruined numerous people of the lowest class mentally, morally and physically; that Japanese consular authorities in Manchuria connived at the illegal sale of morphia by Japanese subjects.<sup>25</sup> Another American official report has brought to light the fact that the Japanese Government collected a revenue of from \$700,000 to several millions per annum from the importation of opium under Japanese governmental license, this sum enabling the Japanese military headquarters at Tsingtao to purchase property, erect schools, residences and public buildings, lay out streets, make harbor improvements and other public works.<sup>26</sup>

Opium is not only manufactured in Japan but is cultivated in her territories, Korea and Formosa. In its letter to the American Minister at Peking the Korean Independence Committee says: "The Japanese Government has established a bureau for the sale of opium and under the pretext that opium was used for medicinal purposes has caused Koreans and Formosans to engage in poppy cultivation. The opium is secretly shipped into China. Because of the Japanese en-

<sup>24</sup> As to the Chinese reports, see, *supra*, pp. 124, 125.

<sup>25</sup> American Official Report, July, 1918. Cited by Thomas F. Millard in his book entitled "*Democracy and the Eastern Question*", 1919, pp. 215, 216.

<sup>26</sup> American Official Report, September, 1918, cited by T. F. Millard in his book, *op. cit.* p. 214.

couragement of this traffic many Koreans have become users of the drug".<sup>27</sup> The opium raised in Korea and probably converted into morphia at Kobe or Osaka<sup>28</sup> is partly shipped to Dairen and Tsingtao for smuggling into China and partly to the Kwantung Government for sale to Japanese and Chinese dealers in Manchuria under the jurisdiction of the Government-General.<sup>29</sup> Korean opium is, however, not the equal of Persian opium in producing morphia. The Japanese therefore imported during the year of 1918 more than 333 piculs of Persian and boiled opium into Dairen and Tsingtao for alleged local consumption.<sup>30</sup>

It is thus clear that the clandestine traffic in opium and morphia as carried on by the Japanese is a great menace to China and may undo all that she has achieved from 1906 to 1917. The traffic, being exceedingly lucrative, would induce greedy Japanese to hold on with all hazards just as it had done with the English before the Opium War. From such a state of affairs grave international complications may rise at any moment and end in a war for which the Japanese alone would be responsible. It should be borne in mind that Japan is not the only nation engaged in the contraband traffic, although individual Japanese have figured largely in the smuggling activities. The Chinese official reports make reference to the smuggling between Hong Kong and China, and between Macao and China, and also to the fact that four tons of crude opium were seized at Shanghai on a Japanese vessel from London.<sup>31</sup> Apparently, the opium must have been manufactured somewhere in England, although the British Customs authorities at London sought in vain for the location of

<sup>27</sup> *The New York Times*, March 30, 1919, p. 20, column 4. As to the poppy cultivation in Korea see *The North China Herald*, October 20, 1917.

<sup>28</sup> See T. F. Millard, *Democracy and the Eastern Question*, p. 216.

<sup>29</sup> Cf. "*Japan Chronicle*", January 30, 1919.

<sup>30</sup> *Chinese Trade Reports*, 1918, p. 67.

<sup>31</sup> See, *supra*, notes 22, 15.

the surreptitious factory. As to the smuggling between Hong Kong and Macao on the one hand and China on the other, it is also obvious that besides the Chinese there must be other nationals backing the hazardous enterprises.

It is true that China has succeeded in ridding herself of poppy cultivation, but she still has a more delicate task to perform, namely, the task of stopping opium consumption — a task that requires full military preparedness. Be it remembered that before the Opium War no poppy was grown in China, the only acute problem confronting her at that time being the secret importation of Indian opium by British subjects. China is, therefore, in the same position as she was before 1840. Unless she can prevent opium smuggling either by force or by peaceful measures as the case may be, she can never stamp out the opium evil as she calculated. Poppy-cessation does not necessarily curtail consumption, inasmuch as large quantities of opium may be imported from abroad through one channel or another. While no reliable statistics are available concerning the consumption of opium in China, there is reason to believe that opium still finds a large number of victims among the people, as may be inferred from the extensive smuggling now being carried on.

## CHAPTER VIII

### SUMMARY AND CONCLUSION

Chinese opium addicts are always jeered at for indulging in a pernicious habit, but it should be borne in mind that the habit was fastened upon them by wicked and greedy foreigners — foreigners who were well prepared to wrest money from the hands of a peaceful, defenseless, and innocent people. Neither opium nor the poppy is of Chinese origin; both were imported into China in the sixteenth or seventeenth century probably by the Dutch, who are credited with having invented the method of mixing opium with tobacco for smoking purposes. As a result of extensive research, the medical authorities put forward the statement that the poppy was first discovered in Asia Minor or Persia whence it was carried by the Arabs to other parts of the world.

The drug has been unwelcome and hated in China ever since its introduction, undoubtedly for the reason that it was exceedingly deleterious to the physical welfare of the people. In 1729 Emperor Yung Chin issued an edict to prohibit the sale of opium and the opening of opium shops, and enacted severe penalties for violation of the anti-opium edict. From 1729 to 1780 the import of opium into China was estimated at 200 chests per annum. During this period the Portuguese monopolized the opium trade. But in 1780 the British East India Company came to compete with the Portuguese for the opium market, and as a result of the competition the Portuguese were put *hors de combat*, thus leaving the opium trade to the East India Company. After 1780 the import of opium into China increased rapidly, and in 1796 Emperor Kea King reiterated the prohibition of the sale of opium and its importation. The anti-opium edicts were of no avail; the import of opium continued to increase as if the edicts were not in exist-

ence. The English vessels even carried opium to Canton, the capital of Kwantung, for sale. This situation remained unaltered until 1820 when the Canton authorities drove all the opium vessels away. In 1820 the Governor of Canton adopted strict administrative measures to enforce the prohibition of opium. The opium ships and their cargoes were liable to confiscation, and the natives found in possession of opium were subject to the death penalty.

But the strict administrative measures of 1820 failed to stop the secret importation of opium, due partly to the connivance of the Canton authorities and partly to the skill of the smugglers. The import of the drug continued to increase in such proportions that in 1836 the Chinese Government began to deliberate upon the most practical methods for solving the problem. One method suggested by the Emperor's advisers was to legalize opium so that China herself could raise enough opium to check the invasion of foreign opium, but the opposition to legalization was so strong that the Court at Peking was finally determined to drop the proposal for legalization. Towards the opium traffic the attitude of the Court was somewhat wavering and uncertain, thus producing the impression that opium would be finally legalized. In the meantime, the annual import of opium was on the increase.

In 1839 the Court at Peking adopted a definite policy towards the opium traffic, namely, prohibition. For the purpose of suppressing the extensive smuggling at Canton the Emperor dispatched in 1839 a High Commissioner, Lin Tseh-hsu, to that port through which most of the opium was secretly landed and transported into the interior of China. After the arrival of the High Commissioner at Canton friction began to develop between the Commissioner and Captain Charles Elliot, Superintendent of the Trade of British subjects in China. The policy of the High Commissioner was to wipe out the then spreading opium evil completely without fear or swerving, as the Commissioner himself repeatedly declared. To this end he adopted vigorous and violent measures such as the compulsory delivery up of opium by all for-

eigners. Such measures were justified by the fact that the High Commissioner's previous proclamation requiring the delivery up of foreign opium had been wholly disregarded. While it may be questioned whether the compulsory delivery up of opium could stop smuggling forever, there is not an iota of doubt that it would greatly curtail smuggling, since it would cause even the most unscrupulous adventurers to hesitate to embark upon so hazardous an enterprise.

Captain Charles Elliot was appointed and authorized by the British Government to supervise the trade of British subjects in China. His power of course extended to all branches of trade. As British superintendent of trade Captain Elliot might easily have sent all British opium vessels away, or have delivered up all British-owned opium, as the Chinese Government requested. But it soon became clear that the High Commissioner and Captain Elliot marched in opposite directions, the former being firmly determined to end the opium trade, while the latter secretly encouraged it. This conflict of policy finally led to the armed conflict between China and Great Britain. The war of 1840, known as the Opium War, was forced upon China by Captain Elliot's aggressive action. While the High Commissioner endeavored in every way possible to preserve the peace between his country and England and to confine his anti-opium activities to the illicit trade, Captain Elliot threatened him with war by ordering the opening of fire against Chinese land or naval forces at the various places. Thus, China could but accept the challenge. In the contest of force she suffered defeat by reason of her military unpreparedness; but she preserved her moral integrity, even though, lacking the military strength to enforce prohibition, she eventually agreed to treat opium as a legitimate article of commerce in 1858.

Since that time the Indian opium trade has brought an unholy tribute of millions of dollars from China to the coffers of the Indian Government; and it has appeared to most observers as if this might continue indefinitely. But the trade, "moral-

ly indefensible",<sup>1</sup> never received the sanction of the public opinion of the world. On the contrary, it is clear that the public opinion of the world was steadfastly set against the trade. It is perhaps due to this fact that China succeeded in 1907 in inducing the British Government to subscribe to her project of total prohibition. No doubt China is greatly indebted to the British Government for its kind consent to the arrangements of 1907 and 1911, but at the present time she expects an additional favor. She desires the British Government to take effective measures against the clandestine opium traffic in Hong Kong, Weihaiwei, and other British possessions in China. Should the British Government grant such a favor by treaties or agreements, as the case may be, China would be relieved of many of the dangers that lurk in the way of her present anti-opium campaign.

The present opium situation is highly embarrassing to the Chinese Government. While poppy cultivation has entirely ceased in China, yet, according to official reports, large quantities of opium are smuggled into the interior, mostly through the ports or districts under foreign control. No matter how stringent the measures adopted by China to prevent opium-smuggling, she is unable to apply them to the ports, territories, and concessions under foreign jurisdiction. In these places the prevention of smuggling as well as the interdiction of opium rests entirely in the hands of the Powers exercising extra-territorial jurisdiction.

At present the Powers possessing such jurisdiction in China are Great Britain, Japan, France, the United States, Italy, Belgium, Portugal, and Russia. Of these the United States alone has imposed heavy penalties upon its citizens engaged in the illicit trade in China. In 1918 the United States Court for China fined an American \$500 gold for importing opium into China contrary to the provisions of the treaty of 1880.<sup>2</sup> Except Japan, Portugal, and Great Britain, the other treaty

<sup>1</sup> *Parliamentary Debates, Commons*, 1913, vol. 52, p. 2151.

<sup>2</sup> Reports by *The North China Herald*, February 9, 1918.

Powers seem entirely free from any suspicion of engaging in the illegal traffic. China must, therefore, make special agreements with Great Britain, Portugal, and Japan in regard to the importation, exportation, and sale of opium.

As a tentative solution of the present opium problem, it may be suggested (1) that another International Opium Conference be immediately called to urge each signatory Power to put into force the International Opium Convention of 1912, (2) that each signatory Power shall immediately prohibit the importation and exportation of opium except for medicinal purposes, (3) that a new rule of international law shall be introduced so as to deprive every Power, whether signatory to the Convention or not, of the right to engage in the opium trade which is "morally indefensible", (4) that each signatory Power shall make a detailed and complete report every year concerning the legislative and administrative measures that it shall have adopted to suppress the opium evil and the results achieved by these measures. The last suggestion is of extraordinary importance because it furnishes a supreme test of the honesty and sincerity of all nations towards the nefarious traffic. Since the International Opium Convention of 1912 does not provide for a definite date when the signatory Powers undertake to suppress or prohibit opium, it is necessary immediately to incorporate into the body of international law a new rule which shall make it illegal for any nation to carry on the opium trade. Under the operation of this new rule, Turkey, Persia and British India will not be permitted to export opium to other countries, in spite of the fact that Turkey refused to ratify the Convention for economic reasons and that British India is contemplating a prospective expansion of the opium trade. Of course, the project of such a rule would encounter strong opposition, but there is reason to believe that the recalcitrant states will be compelled by the moral force of public opinion to consent to the project.

As for China, it is necessary for the Chinese Government immediately to conclude with every Treaty Power a treaty

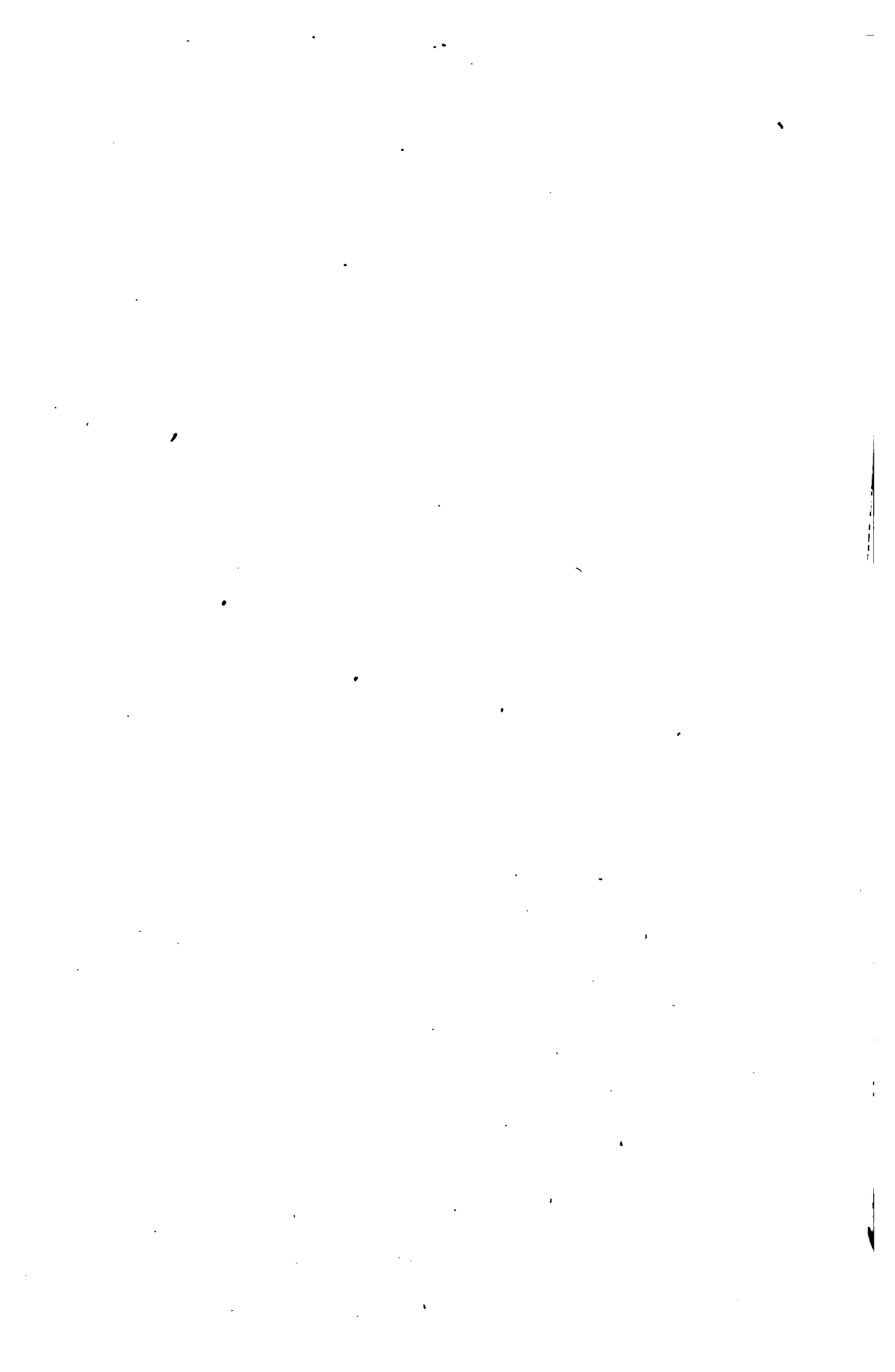


similar to the Chino-American treaty of 1880 to prohibit the importation of opium by foreign nationals. This treaty, if duly ratified, should be enforced not only by the Chinese authorities but by the signatory Powers whose citizens or subjects may happen to engage in the illicit trade. In the next place, China should immediately open negotiations with the Treaty Powers to secure the consent of those Powers to the abolition of the so-called extra-territorial jurisdiction which exempts foreign nationals in China from the operation of Chinese anti-opium laws and debars China from prosecuting her anti-opium campaign in the ports or districts under foreign control. The abolition of extra-territorial jurisdiction, if consented to by all the Treaty Powers, will enable China to apply her anti-opium laws directly to the leased territories, such as Newchang, Port Arthur, Dairen, Weihaiwei, Macao, Kwonchuwang, and the Concessions or Settlements in the Treaty Ports, so that smuggling through these leased territories will be made extremely difficult if not impossible. Until these two international questions of vital importance are definitely settled in China's favor, it is very doubtful whether China can really liberate herself from the opium curse, the cessation of poppy cultivation only marking the beginning of the difficult task of putting a stop to opium-smoking. At present China is looking to friendly and humanitarian nations for relief from unreasonable and immoral treaty stipulations which restrain her from suppressing and forever destroying the opium traffic.

## *VITA*

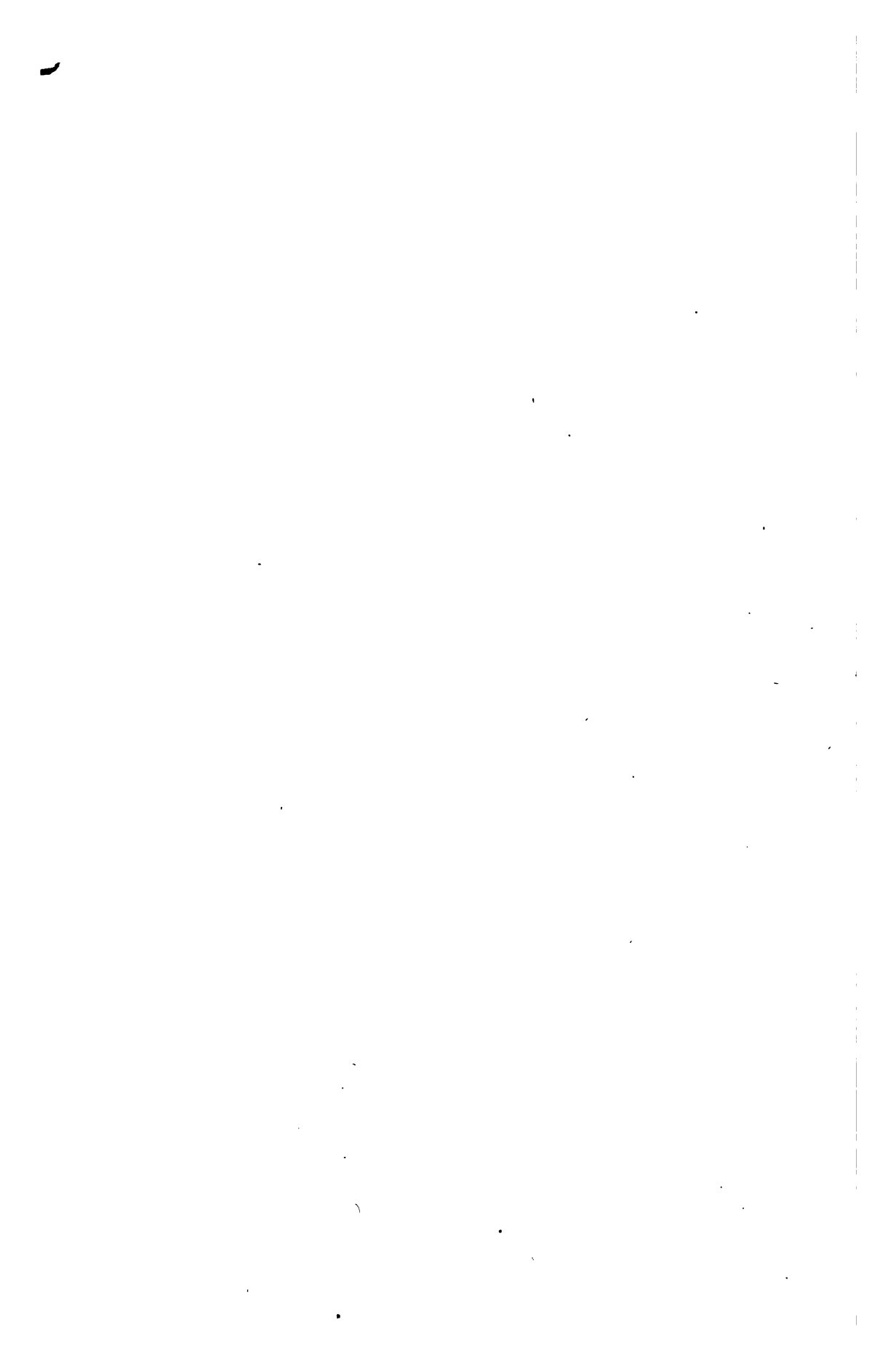
The author was born in Changteh, Province of Hunan, China in 1894. In 1913 he was graduated from Ming Teh College, Changsha, in the same Province, with a degree equivalent to B. A. From 1914 to 1915, inclusive, he studied at the University of California. In 1916 he entered State University of Iowa where, in 1917, he took the degree of M. A., his major work being in Political Science. From 1917 to 1920 he continued his studies in Political Science at Columbia University, where he specialized in Public Law, taking courses and attending seminars in International Law, Administrative Law, and Constitutional Law, under Professors John Bassett Moore, Howard Lee McBain and Thomas Reed Powell, respectively.





D.B.L.





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